

Committee Room,
Austin, Texas, May 5, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 762, "An Act amending
Articles 2525, 2528, and 2533, Chapter
1, Title 47, Revised Civil Statutes of
the State of Texas of 1925, as amend-
ed by Chapter 57, First Called Session,
Fortieth Legislature, so as to author-
ize the State Depository Board to fix
periodically the rate of interest to be
paid by State depositories and reserve
depositories on State funds in lieu of
the rates now specifically fixed by
statute; substituting the State Comp-
troller for the Attorney General as a
member of the State Depository
Board; and amending Articles 2536,
2537, and 2539, Chapter 1, Title 47,
Revised Civil Statutes of the State of
Texas of 1925, to conform therewith,
and repealing Articles 2540, 2541, 2542,
and 2543, Chapter 1, Title 47, Revised
Civil Statutes of the State of Texas
of 1925; and declaring an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, May 5, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 294, "An Act to amend
Article 2029, Chapter 3, of the Re-
vised Civil Statutes of 1925, and de-
claring an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, May 5, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 242, "An Act to repeal
Chapter 5, Acts of the Thirty-sixth
Legislature, Third Called Session, and
Chapter 34, Section 1, and Subsection
15, Acts of the Thirty-seventh Legis-
lature, Regular Session, and providing
for the effective date of this Act,"

Has carefully compared same, and
finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, May 5, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 109, "An Act amending
Article 6881, of Title 120, Chapter 5,
of the Revised Civil Statutes of the
State of Texas, 1925, correcting the
laws applying to bonds executed by
constables, and declaring an emer-
gency,"

Has carefully compared same, and
finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, May 5, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 62, "An Act to amend
Article 1778, of Chapter 6, of Title 37,
and Article 1871, of Chapter 5, of
Title 39, of the Revised Civil Statutes
of 1925, relating to the time for re-
turning executions for costs issued
from the Supreme Court and Courts
of Civil Appeals; repealing all laws
and parts of laws in conflict herewith;
and declaring an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

MORRISON, Vice-Chairman.

SIXTY-FIRST DAY

(Monday, May 8, 1933)

The House met at 9:30 o'clock a. m.,
pursuant to adjournment, and was
called to order by Speaker Stevenson.

The roll was called, and the follow-
ing Members were present:

Mr. Speaker.	Cathey.
Adamson.	Caven.
Aikin.	Celaya.
Alexander.	Chastain.
Anderson	Clayton.
of Bexar.	Coombes.
Anderson	Cowley.
of Johnson.	Crossley.
Baker.	Daniel.
Barrett.	Davidson.
Beck.	Dean.
Bourne.	Devall.
Bradley.	Dunlap.
Burns.	Dunagan.
Butler.	Duvall.
Calvert.	Dwyer.
Camp.	Engelhard.
Canon.	Fain.

Few.	Mitcham.
Fisher.	Moffett.
Ford.	Moore.
Fuchs.	Morrison.
Glass.	Morse.
Golson.	Munson.
Good.	Nicholson.
Goodman.	Palmer.
Graves.	Parkhouse.
Greathouse.	Patterson.
Griffith.	Pavlica.
Haag.	Pope.
Hankamer.	Puryear.
Harman.	Ramsey.
Harris.	Ratliff.
Head.	Ray.
Hester.	Reader.
Hicks.	Reed of Bowie.
Hill of Brazoria.	Reed of Dallas.
Hill of Webb.	Renfro.
Hodges.	Riddle.
Holekamp.	Roberts.
Holland.	Rogers of Hunt.
Hoskins.	Rogers of Ochiltree.
Huddleston.	Rollins.
Hughes.	Ross.
Hunt.	Russell.
Hyder.	Savage.
Jackson.	Scarborough.
James.	Scott.
Jefferson.	Shannon.
Johnson	Shults.
of Anderson.	Smith.
Jones of Atascosa.	Stanfield.
Jones of Runnels.	Steward.
Jones of Shelby.	Stinson.
Kayton.	Stovall.
Kyle of Hays.	Sullivant.
Kyle of Palo Pinto.	Tarwater.
Laird.	Tennyson.
Latham.	Thomas.
Lemens.	Tillery.
Lindsey.	Townsend.
Mackay.	Turlington.
Magee.	Van Zandt.
McClain.	Vaughan.
McCullough.	Wagstaff.
McDougald.	Walker.
McGregor.	Wells.
McKee.	Winningham.
Merritt.	Wood.
Metcalfe.	Young.

Absent

Barron.	Long.
Bedford.	Mathis.
Harrison.	Weinert.

Absent—Excused

Alsup.	Johnson
Colson.	of Dimmit.
Hartzog.	Leonard.
Holloway.	Lotief.

A quorum was announced present.
Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Lotief for today, on motion of Mr. Fuchs.

Mr. Colson for today, on motion of Mr. Palmer.

Mr. Hartzog for today, on motion of Mr. Scarborough.

Mr. Leonard for today, on motion of Mr. Glass.

Mr. Alsup for today, on motion of Mr. Fisher.

Mr. Holloway for today, on motion of Mr. Latham.

Mr. Johnson of Dimmit was granted leave of absence for today and the balance of the week on account of illness, on motion of Mr. Ford.

HOUSE BILLS ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Morrison:

H. B. No. 926, A bill to be entitled "An Act providing for open seasons for the taking and killing of squirrels in Kaufman County during the months of May, June, July, October, November, and December, of each year; providing the penalty for violation of said Act, and declaring an emergency."

Referred to Committee on Game and Fisheries.

Mr. McDougald moved that the following bill be introduced today, laid before the House, read first time, and referred to the appropriate committee:

The motion prevailed by the following vote:

Yeas—104

Adamson.	Chastain.
Aikin.	Clayton.
Alexander.	Cowley.
Baker.	Crossley.
Barrett.	Daniel.
Bourne.	Dean.
Bradley.	Dunagan.
Burns.	Duvall.
Calvert.	Engelhard.
Camp.	Fain.
Canon.	Few.
Cathey.	Ford.
Caven.	Fuchs.

Glass.	Moore.
Golson.	Morrison.
Goodman.	Morse.
Graves.	Nicholson.
Greathouse.	Palmer.
Griffith.	Pavlica.
Hankamer.	Puryear.
Head.	Ramsey.
Hester.	Ratliff.
Hicks.	Ray.
Hill of Brazoria.	Reader.
Hill of Webb.	Reed of Bowie.
Hodges.	Reed of Dallas.
Holekamp.	Renfro.
Holland.	Riddle.
Hoskins.	Roberts.
Huddleston.	Rogers
Hughes.	of Ochiltree.
Hunt.	Rollins.
Hyder.	Ross.
James.	Russell.
Jefferson.	Savage.
Johnson	Scarborough.
of Anderson.	Scott.
Jones of Atascosa.	Shannon.
Jones of Runnels.	Shults.
Kyle of Palo Pinto.	Stanfield.
Laird.	Steward.
Latham.	Stinson.
Lemens.	Stovall.
Lindsey.	Tarwater.
Mackay.	Thomas.
Magee.	Tillery.
Mathis.	Townsend.
McClain.	Turlington.
McDougald.	Van Zandt.
Merritt.	Vaughan.
Metcalfe.	Wagstaff.
Mitcham.	Wells.
Moffett.	Wood.

Nays—1

Fisher.

Absent

Anderson	Jackson.
of Bexar.	Jones of Shelby.
Anderson	Kayton.
of Johnson.	Kyle of Hays.
Barron.	Long.
Beck.	McCullough.
Bedford.	McGregor.
Butler.	McKee.
Celaya.	Munson.
Coombes.	Parkhouse.
Davidson.	Patterson.
Devall.	Pope.
Dunlap.	Rogers of Hunt.
Dwyer.	Smith.
Good.	Tennyson.
Haag.	Walker.
Harman.	Weinert.
Harris.	Winningham.
Harrison.	Young.

Absent—Excused

Alsup.

Colson.

Hartzog.	Leonard.
Holloway.	Lotief.
Johnson	Sullivan.
of Dimmit.	

The Speaker then laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. McDougald:

H. B. No. 927, A bill to be entitled "An Act to require return by the appellate courts to the trial courts of transcripts, statements of facts, and other evidence when a case has been reversed and remanded for new trial; and declaring an emergency."

Referred to Committee on Judiciary.

Mr. Morse moved to introduce, at this time, and have placed on first reading, the following bill:

The motion prevailed by the following vote:

Yeas—103

Adamson.	Hill of Webb.
Aikin.	Holekamp.
Alexander.	Holland.
Baker.	Hoskins.
Barrett.	Huddleston.
Bourne.	Hughes.
Bradley.	Hunt.
Burns.	James.
Calvert.	Jefferson.
Canon.	Johnson
Cathey.	of Anderson.
Caven.	Jones of Atascosa.
Chastain.	Jones of Runnels.
Clayton.	Kyle of Hays.
Cowley.	Kyle of Palo Pinto.
Crossley.	Laird.
Daniel.	Latham.
Davidson.	Lindsey.
Dean.	Magee.
Dunlap.	Mackay.
Dunagan.	Mathis.
Duvall.	McClain.
Dwyer.	McDougald.
Engelhard.	McKee.
Fain.	Merritt.
Few.	Metcalfe.
Fisher.	Mitcham.
Ford.	Moffett.
Fuchs.	Moore.
Glass.	Morrison.
Golson.	Morse.
Graves.	Nicholson.
Greathouse.	Palmer.
Griffith.	Patterson.
Gankamer	Pavlica.
Head.	Puryear.
Hester.	Ramsey.
Hicks.	Ratliff.
Hill of Brazoria.	Reed of Bowie.

Renfro.	Stinson.
Riddle.	Stovall.
Roberts.	Tarwater.
Rogers	Thomas.
of Ochiltree.	Tillery.
Rollins.	Townsend.
Ross.	Turlington.
Russell.	Van Zandt.
Savage.	Vaughan.
Scarborough.	Wagstaff.
Scott.	Wells.
Shannon.	Winningham.
Stanfield.	Wood.
Steward.	

Nays—2

Ray.	Shults.
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Absent

Anderson	Hyder.
of Bexar.	Jackson.
Anderson	Jones of Shelby.
of Johnson.	Kayton.
Barron.	Lemens.
Beck.	Long.
Bedford.	McCullough.
Butler.	McGregor.
Camp.	Munson.
Celaya.	Parkhouse.
Coombes.	Pope.
Devall.	Reader.
Good.	Reed of Dallas.
Goodman.	Rogers of Hunt.
Haag.	Smith.
Harman.	Tennyson.
Harris.	Walker.
Harrison.	Weinert.
Hodges.	Young.

Absent—Excused

Alsup.	Johnson
Colson.	of Dimmit.
Hartzog.	Leonard.
Holloway.	Lotief.
	Sullivant.

The Speaker then laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Morse and Mr. Shannon:

H. B. No. 928, A bill to be entitled "An Act to make provisions for: (Section 1): To anticipate the submission and adoption of the proposed constitutional amendment to provide for the adoption of a home rule charter by any county in Texas, upon a vote of the qualified resident electors of any county, all as proposed in the pending Senate Resolution No. 3. Reference to said proposed amendment to the Constitution in the exact form for submission to the electors

of the State here is made, to the same effect as though it were embodied herein. Further providing (Section 21 hereof) that, no county charter provision impairing the operation of the general laws of the State relating to the judicial, tax, fiscal, educational, police, highway, and health systems of the State, or any department of the State's superior government may have effect as against the State, etc."

Referred to Committee on Constitutional Amendments.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

H. B. No. 807, "An Act to provide for conventions to pass on amendments to the Constitution of the United States which may be now, or may be hereafter, proposed by the Congress of the United States, for ratification by conventions in the several States; setting the time of said elections; prescribing the method of nominating delegates; prescribing the manner and method in which delegates shall be elected to attend such convention; providing the form of the ballot to be used at such election; prescribing certain duties of the public officials of this State with reference to the conduct of such election; and declaring an emergency."

BILL RE-REFERRED

On motion of Mr. Bradley, Senate Bill No. 4 was withdrawn from the Committee on Insurance and referred to the Committee on Banks and Banking.

RELATIVE TO HOUSE BILL NO. 905

Mr. McClain moved that House Bill No. 905 be laid on the table subject to call.

The motion was lost.

TO GRANT LEE MOOR CONTRACTING COMPANY PERMISSION TO SUE THE STATE

Mr. Clayton offered the following resolution:

H. C. R. No. 80, Granting permission to sue the State.

Whereas, On or about the twentieth day of November, A. D. 1928, the Lee Moor Contracting Company, of El Paso County, State of Texas, entered into a contract with the State Highway Commission and the State of Texas, for the construction of a twenty-mile strip of highway between El Paso and Carlsbad, New Mexico, in El Paso and Hudspeth Counties, Texas, said job being designated as Job No. 72-E, S. P. 776-C; the bid of the said Lee Moor Contracting Company having been accepted as the lowest bid for the construction of this strip of highway; and

Whereas, The said Lee Moor Contracting Company has, subsequent to the said twentieth day of November, A. D. 1928, completed construction of said strip of highway; and

Whereas, A dispute has arisen between the Texas State Highway Commission and the said Lee Moor Contracting Company as to the amount of the balance, if any, owing under this contract by the Highway Commission and the State of Texas to the said Lee Moor Contracting Company; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said Lee Moor Contracting Company, a corporation of El Paso, Texas, or its successors or assigns, be, and it is hereby, granted permission to bring suit against the State of Texas and the State Highway Commission, in a court of competent jurisdiction in El Paso County, Texas, to ascertain and fix the amount, if any, the said State Highway Commission and the State of Texas is indebted to the said Lee Moor Contracting Company on account of the construction of the said twenty-mile strip of the State Highway, known as the El Paso-Hudspeth Counties Highway, said job being designated as Job No. 72-E, S. P. 776-C; and that in case such a suit be filed, service of citation or other necessary process shall be had upon the Governor of the State of Texas, the Chairman of the Highway Commission of Texas, and the Attorney General of Texas, and that the same have the same force and effect as made and provided in civil cases; and provided that either one of the parties to said suit shall have the right to appeal with-

out the execution of bond; and any judgment that may be finally established against the State of Texas and the Highway Commission of Texas in said suit shall be a liquidated debt, and shall be paid by the Highway Commission of Texas out of its road building fund.

CLAYTON,
HANKAMER,
JACKSON.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

NOTICE GIVEN

Mr. Rogers of Ochiltree gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 536, which bill had heretofore been laid on the table subject to call.

INVITING MR. FRANCIS J. CLAIR TO ADDRESS THE LEGISLATURE

Mr. Tarwater offered the following resolution:

Whereas, The rehabilitation of agricultural values is a problem of most vital interest to all of the American people, and

Whereas, The establishment and security of normal purchasing power among the agricultural producers of the Nation is the first essential in relieving distressed conditions among industries, transportation, finance, and government affairs, and

Whereas, The State of Texas contains practically one-twelfth of the agricultural resources of the Nation, and

Whereas, All citizens, both private and public are vitally interested in agricultural relief, and for that reason they are solicitous of reliable information afforded by capable research and mature judgment, and

Whereas, Mr. Francis J. Clair, president of the National League for Economic Stabilization, at Chicago, Illinois, is an outstanding National student on agricultural and monetary economics, and having devoted a number of years to a diligent study and research in the wide field of agriculture, assembling probably some of the soundest information that can now be offered to the public, and

Whereas, Mr. Francis J. Clair has been touring many States of the Union, addressing public gatherings and particularly legislative assemblages, giving to them, in a forceful and clear expression, the story of his many years of research, and

Whereas, He is available for a public discussion in Texas at some future date; therefore, be it

Resolved by the House of Representatives of the Texas Legislature, That an official invitation be extended to Mr. Clair to address the Legislature and the public, at such convenient time as may be mutually agreeable; and, be it further

Resolved, That a copy of this resolution be communicated by the Chief Clerk of the House of Representatives, to Mr. Clair at his address in Chicago, Illinois.

TARWATER,
PALMER,
RAY,
METCALFE.

The resolution was read second time, and was adopted.

ENDORISING HON. WILLIAM J. FANNING FOR CERTAIN POSITION

Mr. Hunt offered the following resolution:

Whereas, Hon. William J. Fanning, of Sulphur Springs, Texas, is an applicant for the appointment of United States Ambassador to El Salvador under the present Administration, and

Whereas, Hon. William J. Fanning is an esteemed citizen, an able attorney of scholarly achievement, holding at present the position of vice-president of the Texas Junior Bar Association, and

Whereas, He is a fluent speaker of the Spanish language, which will enable him in adjusting himself to the Latin-American customs, and

Whereas, He has the endorsement of the Democratic leaders of the State of Texas; therefore, be it

Resolved by the House of Representatives of Texas, now in session, That we endorse the Hon. William J. Fanning, of Sulphur Springs, Texas, for the appointment of United States Ambassador to El Salvador, and as a token of our respect, admiration, and esteem of our fellow Texan,

that an enrolled copy of this resolution be forwarded to President Franklin D. Roosevelt, to James A. Farley, to Senator Sheppard, and to Senator Connally, at Washington, D. C.

The resolution was read second time, and was adopted.

RELATIVE TO OIL INDUSTRY

Mr. Burns offered the following resolution:

Whereas, It has come to the attention of the House of Representatives of the State of Texas that certain influences are at work in Washington in an effort to persuade the President of the United States to appoint a dictator for the oil industry, and

Whereas, The Legislature of the State of Texas has just recently had a thorough investigation of the oil business in Texas, and has come to the conclusion that the oil business in Texas will adjust itself in due time if let alone, and

Whereas, It is against the genius of a free people to allow dictation in the conduct of free business in our Nation; therefore, be it

Resolved by the House of Representatives of the State of Texas, That we do hereby request the President of the United States not to appoint a dictator for the oil industry so far as it may apply to the State of Texas. Other States may want a dictator, but Texas is able to conduct her own affairs; and, be it further

Resolved, That a copy of this resolution be mailed to each Member of the Texas delegation, and our United States Senators, and to the Secretary of the Interior, and to our great Democratic President.

BURNS,
DANIEL,
GREATHOUSE.

The resolution was read second time.

Mr. Turlington moved that the resolution be referred to the Committee on Oil, Gas, and Mining.

Mr. Greathouse moved to table the motion to refer the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—65

Adamson.	Jones of Runnels.
Aikin.	Kyle of Hays.
Baker.	Laird.
Barrett.	Lindsey.
Beck.	Mackay.
Bourne.	Magee.
Burns.	McKee.
Calvert.	Merritt.
Camp.	Metcalf.
Canon.	Moffett.
Caven.	Moore.
Celaya.	Morrison.
Chastain.	Pope.
Clayton.	Purveyer.
Cowley.	Ramsey.
Crossley.	Renfro.
Daniel.	Riddle.
Davidson.	Roberts.
Few.	Rogers of Ochiltree.
Fisher.	Ross.
Fuchs.	Scarborough.
Goodman.	Scott.
Graves.	Shults.
Greathouse.	Smith.
Hankamer.	Stanfield.
Harman.	Stovall.
Harris.	Sullivant.
Hicks.	Thomas.
Hodges.	Townsend.
Hoskins.	Van Zandt.
Hunt.	Vaughan.
Hyder.	Walker.
James.	

Nays—45

Alexander.	Mitcham.
Anderson	Morse.
of Johnson.	Munson.
Bradley.	Nicholson.
Butler.	Parkhouse.
Dean.	Patterson.
Dunagan.	Pavlica.
Dwyer.	Ratliff.
Engelhard.	Ray.
Fain.	Reader.
Ford.	Reed of Bowie.
Glass.	Reed of Dallas.
Golson.	Rollins.
Griffith.	Russell.
Haag.	Shannon.
Hester.	Steward.
Hill of Webb.	Tarwater.
Hughes.	Tennyson.
Kyle of Palo Pinto.	Tillery.
Latham.	Turlington.
McCullough.	Wagstaff.
McDougald.	Wells.
McGregor.	Wood.

Present—Not Voting

Holekamp.	Jefferson.
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Absent

Anderson	Barron.
of Bexar.	Bedford.

Cathey.	Jones of Atascosa.
Coombes.	Jones of Shelby.
Devall.	Kayton.
Dunlap.	Lemens.
Duvall.	Long.
Good.	Mathis.
Harrison.	McClain.
Head.	Palmer.
Hill of Brazoria.	Rogers of Hunt.
Holland.	Savage.
Huddleston.	Stinson.
Jackson.	Weinert.
Johnson	Winningham.
of Anderson.	Young.

Absent—Excused

Alsup.	Johnson
Colson.	of Dimmit.
Hartzog.	Leonard.
Holloway.	Lotief.

Question then recurring on the resolution, it was adopted by the following vote:

Yeas—73

Adamson.	Jefferson.
Aikin.	Jones of Runnels.
Anderson	Kyle of Hays.
of Johnson.	Laird.
Baker.	Lindsey.
Barrett.	Mackay.
Beck.	Magee.
Bourne.	Merritt.
Burns.	Metcalf.
Calvert.	Moore.
Canon.	Morrison.
Caven.	Morse.
Celaya.	Palmer.
Chastain.	Pope.
Clayton.	Purveyer.
Cowley.	Ramsey.
Crossley.	Ratliff.
Daniel.	Reed of Bowie.
Davidson.	Renfro.
Dean.	Roberts.
Engelhard.	Rogers of Ochiltree.
Fain.	Ross.
Few.	Russell.
Ford.	Scarborough.
Fuchs.	Scott.
Glass.	Shannon.
Goodman.	Shults.
Greathouse.	Smith.
Haag.	Stanfield.
Hankamer.	Stovall.
Harman.	Sullivant.
Harris.	Tarwater.
Holekamp.	Thomas.
Hoskins.	Townsend.
Hunt.	Van Zandt.
Hyder.	Vaughan.
James.	Wood.

Nays—36

Alexander.	Bradley.
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Butler.	Mitcham.
Devall.	Nicholson.
Dunagan.	Parkhouse.
Dwyer.	Patterson.
Fisher.	Pavlica.
Golson.	Ray.
Griffith.	Reed of Dallas.
Hester.	Riddle.
Hill of Brazoria.	Rollins.
Hill of Webb.	Steward.
Huddleston.	Tennyson.
Hughes.	Tillery.
Kyle of Palo Pinto.	Turlington.
Latham.	Wagstaff.
McCullough.	Walker.
McDougald.	Wells.
McGregor.	Young.

Absent

Anderson	Johnson
of Bexar.	of Anderson.
Barron.	Jones of Atascosa.
Bedford.	Jones of Shelby.
Camp.	Kayton.
Cathey.	Lemens.
Coombes.	Long.
Dunlap.	Mathis.
Duvall.	McClain.
Good.	McKee.
Graves.	Moffett.
Harrison.	Munson.
Head.	Reader.
Hicks.	Rogers of Hunt.
Hodges.	Savage.
Holland.	Stinson.
Jackson.	Weinert.
	Winningham.

Absent—Excused

Alsop.	Johnson
Colson.	of Dimmit.
Hartzog.	Leonard.
Holloway.	Lotief.

PROVIDING FOR ADJOURNMENT
SINE DIE

Mr. Moore offered the following resolution:

H. C. R. No. 81, Providing for adjournment sine die.

Be it resolved by the House of Representatives, the Senate concurring, That the Regular Session of the Forty-third Legislature stand adjourned sine die on May 25, 1933, at 6 p.m.

The resolution was read second time.

Mr. Moore moved that the resolution be laid on the table subject to call.

The motion was lost.

Question then recurring on the resolution, it was lost.

RESOLUTION SIGNED BY THE
SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

S. C. R. No. 56, Memorializing Congress in regard to the passage of the Wagner Bill.

HOUSE BILL NO. 464 ON PAS-
SAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 464, A bill to be entitled "An Act to simplify the operations of the Executive Department of the State Government by abolishing certain offices, boards, departments, commissions, and institutions; creating others; redistributing the powers, duties, and functions of the Executive Department among such offices, boards, commissions, and departments as are herein created or hereby retained; defining such powers, duties, and functions, and co-ordinating them; fixing terms of office, methods of appointment and election, duties, and qualifications of offices and positions, and providing the methods of fixing the compensation thereof; repealing all laws and parts of laws in conflict herewith, and for other purposes";

The bill having heretofore been read second time.

Mr. Graves offered the following committee amendment to the bill:

Amend House Bill No. 464 by striking out all below the enacting clause, and inserting in lieu thereof the following:

Article I. Short Title and Definitions.

Section 1. Short Title: This Act shall be known as the "Administration Code."

Sec. 2. Definitions of Terms: In this Article, except where the context requires otherwise, the words and expressions defined in this Section shall be held to have the meanings here given to them:

"Agency" shall mean any State office, department, board, commission,

institution, bureau, division, or other person or functional group heretofore existing or hereafter created, that is authorized to exercise, or that does exercise, any functions of government of the State.

"Appropriation" shall mean an authorization by the Legislature to a budget unit to expend from public funds a sum of money not in excess of the sum specified, for the purposes specified in such authorization, under the procedure herein prescribed.

"Appropriation Act" shall mean an Act of the Legislature that authorizes the expenditure of State money.

"Budget" shall mean the document prepared by the State Budget Officer, hereunder, to conform to the appropriation Act or Acts, as the basis for control of expenditures thereunder.

"Budget class" shall mean one of the kinds of expenditure denoting a class of services or commodities purchased or properties acquired as specified in the classification of expenditures prescribed as provided herein, for use in expenditure accounting in the making of budget estimates, and in the budget reports and budgets.

"Budget estimates" shall mean the statement with its accompanying explanations, as provided herein, in which a budget unit states its financial requirements and requests appropriations.

"Budget report" shall mean the recommendations of the Governor to the Legislature, as to financial plans and expenditures to be authorized, with the accompanying statements and explanations, prepared as provided herein.

"Budget unit" shall mean a department or other unit of organization, or any service such as interest or pensions, for which separate appropriations are made from those for any other organization unit or service.

"Bureau" shall mean a major branch of an administrative department established hereunder or by administrative action under authority hereof, for the convenient performance of functions committed to a department by this Act.

"Capital outlays" shall mean the exchanges of values involved in acquiring lands, buildings, equipment, or other permanent properties, or in their construction or development or permanent improvement, irrespective of whether such exchanges have been completed, or are represented by values received, and by cash paid out

or obligations to pay cash or partly by each.

"Disbursements" shall mean cash actually paid out for any or all purposes.

"Employee" shall mean the lawful incumbent of a position, as defined herein.

"Expenditures" shall mean expenses and capital outlays.

"Expenses" shall mean values consumed in maintaining, managing, and operating government services, in contributing to the cost of maintaining and operating public services supported in part by the State, and in providing in accordance with law for any grants, aids, relief, or compensation to individuals, whether such values are represented by cash paid out, or by obligations to pay cash, or partly by each.

"Functions" shall mean jurisdiction, powers, duties, rights, and obligations conferred or imposed upon or vested in any agency of the State government by law, or exercised, performed, or discharged by administrative authority and not in contravention of any provision of law.

"Law" shall mean the Constitution and the general and special laws of the State of Texas.

"Position" shall mean any office of employment, or combination of them, in the State service, involving an aggregation of duties to be performed and responsibilities to be exercised by one person.

"Receipts" shall mean cash actually received from any or all sources.

"Revenues" shall mean values accruing without resultant increase in liabilities or decrease in assets, whether such values are represented by cash actually received or by amounts due and payable, or partly by each.

"State" shall mean the State of Texas.

"State service" shall mean the organization of the legislative, executive, and judicial departments of the State Government, as defined by the Constitution, taken together.

Article II. Administrative Departments.

Section 1. Departments Specified: All executive and administrative functions of the State shall be divided, in the manner hereinafter provided,

among the Governor and nineteen administrative departments hereby created and established, as follows:

Department of State.
Department of Law.
Department of Taxation and Revenue.
Department of Finance and Administrative Service.
Department of Buildings and Grounds.
Department of Education.
Department of Public Welfare.
Department of Public Health.
Department of Public Safety.
Department of Militia.
Department of Labor.
Department of Banking.
Department of Insurance.
Department of Agriculture.
Department of Forests, Fish, and Game.
Department of Water Supply and Reclamation.
General Land Office (Department of Lands).
Department of Highways.
Department of Public Service.

It is hereby declared to be the policy of the State that, except as herein provided, no administrative agency of the State outside the organization of the administrative departments hereby created shall hereafter be created or continued, and no executive or administrative functions of the State shall hereafter be required or authorized by law to be exercised, or be so exercised, by or through any agency of the State not forming a part of any such administrative department, provided that upon the taking effect of this Act any previously existing agency abolished by this Act or any of whose functions are transferred to and vested in another officer, department, or other agency, with the approval of the Board of Finance hereinafter provided, may continue to exercise its usual functions for such reasonable period as may be necessary while provision is being made hereunder for their exercise as herein provided.

Sec. 2. Transfer of Functions: Whenever functions heretofore vested in or exercised by any agency are, by this Act, transferred in whole or in part to, and vested in, a department or other agency created or continued by this Act, the department or other agency in which such functions are vested hereby shall be the successor

in every way with respect to such functions, to the agency in which such functions heretofore have been vested, except as otherwise provided herein, and every act done in the exercise of such functions by, or under the authority of, the department or other agency to which they are hereby transferred, shall be deemed to have the same force and effect as if done by the former agency. Whenever any agency is referred to or designated in any law, contract, or document, such reference or designation shall be deemed to refer to the department or other agency, hereunder, in which the functions of such agency so referred to or designated, or such functions as are involved in such reference or designation, are vested by the terms of this Act.

Sec. 3. Transfer of Records and Equipment: Upon the taking effect of this Act all books, papers, records, property, and pending business heretofore made, used, acquired, or conducted by any previously existing agency in the exercise of functions hereby transferred to any agency created or continued by this Act, shall be transferred to and vested in the agency succeeding to such functions.

Sec. 4. Transfer of Officers and Employees: All officers and employees whose functions are transferred hereby from an existing agency and vested in a different agency, created or continued by the terms of this Act, shall be transferred, with their functions to the department, bureau, or division in which their functions, or the major part thereof, are hereby vested, and shall so far as practicable continue to perform their usual duties, until the expiration of their respective terms for which they were appointed or elected in cases where such terms are prescribed, and otherwise without term, but the head of each department shall have power to abolish unnecessary offices and positions, to transfer officers and employees between positions, and to change the duties, titles, and compensation of existing offices and positions, subject to any provision of law in relation thereto. Under the terms of this section, the Members of the State Board of Control shall hereafter serve as the Members of the Board of Finance hereafter provided.

Sec. 5. Transfer of Appropriations: Whenever functions hereto-

fore vested in any agency are transferred by the terms of this Act and vested in a different agency, the balances of appropriations to the credit of the agency from which such functions are transferred, available for expenditure in the exercise of such functions, shall be transferred to the credit of the agency to which such functions are hereby transferred, for expenditure by such agency in the exercise of such functions in accordance with law. Where two or more functions provided for by existing appropriations are not segregated to the purposes represented by such functions, are divided hereby between two or more agencies, the division of such appropriations shall be determined by the Bureau of the Budget of the Department of Finance and Administrative Service, hereinafter established, with the approval of the Commissioner of Finance and the Board of Finance.

Sec. 6. Heads of Departments: The heads of departments provided herein shall have direction and control of their respective departments, and subject to the provisions of this Act, shall through such departments exercise such powers and perform such duties as are vested by this Act in the several departments under their direction and control, and in any agencies thereof. Except as otherwise expressly provided in this Act, the heads of departments shall be appointed by the Governor, by and with the advice and consent of two-thirds (2/3) of the Senate present, on the basis of merit and fitness to perform the duties and exercise the responsibilities of their respective offices. In the case of each department for which a board or commission is provided under this Act, selection for each such appointment when made by the Governor, shall be from a list of not fewer than three candidates certified as qualified, by such board or commission. In any case in which the Governor is unwilling to make appointment from a list so certified, he may make request of the board or commission concerned for the certification of a second such list. But in any case in which the Governor fails to make and present to the Senate for confirmation an appointment from the first such list requested by him for a period of thirty days from the receipt of such

list during which he has not requested a second list, or for a period of thirty days after his receipt of such second list requested by him, the Governor shall have no further power to make such appointment, but the board or commission concerned shall have power to make an appointment to the office involved from among the candidates so certified to the Governor and to present it to the Senate for confirmation, and the appointment so made, when confirmed by the Senate, shall be in every way as valid and effective as though it had been made by the Governor.

Sec. 7. Deputy Heads of Departments: In each administrative department, when authorized by law or provided by appropriation, there may be a deputy commissioner, or general assistant to the head of the department under some other appropriate title, who, in the absence or disability of the head of the department, or in case of a vacancy, shall act as head of such department until such absence or disability is terminated or such vacancy is filled. In any other case the head of the department may designate the chief of a bureau so to act.

Sec. 8. Bureaus and Divisions of Departments: The work of each department shall be distributed among the boards, commissions, bureaus and divisions provided by this Act and such other bureaus and divisions as may be provided in accordance therewith. Upon recommendation of the State Budget Officer, approved by the Commissioner of Finance and the Board of Finance, the Governor may authorize the head of any department to establish additional bureaus, divide or combine existing bureaus, change the name of any bureau, or transfer functions and staff from one bureau to another within his department. The Commissioner of Finance, on recommendation of the State Budget Officer approved by the Board of Finance, may authorize any department head to create, combine, divide, and otherwise alter the organization of, divisions within the respective bureaus.

Sec. 9. Department Staffs: The heads of departments may establish such subordinate positions as may be necessary and make appointments thereto, within the limitations of ap-

appropriations provided and subject to the other provisions of this Act, who shall be under the supervision, direction, and control of the heads of the respective departments, and shall perform such duties as such officers shall prescribe. The Deputy heads of departments and the chiefs of bureaus and major institutions shall be appointed by the heads of the departments, with the approval of the respective boards or commissions of departments for which such boards or commissions are provided in this Act, on the basis of their special qualifications to perform the duties and exercise the responsibilities of the respective positions. All other employes shall be appointed by the heads of the several departments, on recommendation of the heads of the several bureaus, divisions, or institutions, under the provisions of this Act.

Sec. 10. Appointments to Boards and Commissions: The members of each board or commission provided by this Act shall be citizens of the State appointed by the Governor, by and with the advise and consent of two-thirds (2/3) of the Senate present, on the basis of their interest in public affairs, their good judgment, and their knowledge and ability in the field of action of the department for which appointed, and with a view to providing diversity of interest and points of view in the membership. They shall be chosen without regard to their political or religious opinions or affiliations. The members shall be compensated for their time actually spent on their official duties in such amounts as shall be provided by appropriations and shall be reimbursed for their actual and necessary expenses thereon. They shall hold no other public office while serving as such members.

Sec. 11. Powers and Duties of Boards and Commissions: Each board or commission provided by this Act for any administrative department, shall select and certify to the Governor as qualified, candidates for appointment as head of such department whenever such appointment is to be made by the Governor, and shall approve all appointments of heads of bureaus and heads of any institutions, not branches of other institutions, within or under their re-

spective departments, as made by the heads of the departments, before such appointments may become effective. No rules of the department for which such a board or commission has been constituted, shall become effective until approved by such board or commission. Budget estimates, recommended plans for capital outlays, and other major matters of administrative policy of the department for which such a board or commission has been constituted shall be approved by such board or commission before they may be given effect.

Each such board or commission shall consider, and advise the head of the department upon, any matter involved in the administration of the department that the head of the department may refer to it for the purpose. It shall have power to make, or to cause to be made through the department or any of its bureaus or divisions, such investigations or studies as it may deem necessary to the formulation of policies or to determining the wisdom and efficacy of the policies, plans, and procedure in effect. It may report its findings and recommendations to the Commissioner, the Governor, and the Legislature, or any of them, as it may see fit.

Each such board or commission shall have power to hear and determine appeals from any acts or decisions of the head of the department or under his authority and to act as a board of review, to conduct hearings, to determine facts, and to make decisions, on cases brought before it on the record or for hearing by the head of the department to which it is attached, in any matter involved in the conduct of the business of the department. Its decisions so made shall be binding, subject to all further rights of action and judicial review that may be provided by law.

Each such board or commission shall have such other powers and shall perform such other duties as may be specifically provided in this Act, but no such board or commission nor any of its members shall have power to prescribe or direct the action of any officer or employe or the conduct of any of the work of any department, nor to take any other action except by vote in meeting assembled. All secretarial and other services required by any such

board or commission shall be supplied by the head of the department through the regular organization of the department.

Sec. 12. Administrative Rules: The Governor, with the approval of the Executive Cabinet, may prescribe such general rules for the conduct of the administrative departments, not inconsistent with law, as he may deem necessary or expedient. The head of each department may likewise prescribe such rules, with the approval of the board or commission of the department in any case where such a board or commission has been constituted, as he may deem necessary or expedient for the proper conduct of the work of the department and for making effective the provisions of law, and not inconsistent therewith or with the general rules prescribed by the Governor. Any such rules, when so provided, shall have the force and effect of law.

Sec. 13. Co-operation Between Departments: It shall be the duty of any administrative department, subject to such rules as may be prescribed by the Commissioner of Finance pursuant to this Act, to furnish to any other administrative department such service, labor, and materials as may be requisitioned by the head of such other department, and as its own facilities provide, through the same procedure and subject to the same measures of audit and control as other proposed expense, the expense to be billed and charged to the department served, by transfers between appropriations. The departments shall, so far as practicable, co-operate with each other in the use of services, quarters, and equipment.

Sec. 14. Determination of Conflicts Between Departments: In all cases where a question arises between departments, or officers or boards, thereof as to their respective functions, or where departments or other agencies issue conflicting orders or make conflicting rules, the Governor, with the advice of the Executive Cabinet, shall determine the questions, and may order any such orders or rules amended or annulled.

Sec. 15. Reports: The Governor shall prepare and submit to the Legislature annual reports of the finances and operations of the State and

such other reports as the Legislature may prescribe or as the Governor may desire. The head of each department shall make to the Governor an annual report and may at any time be required by the Governor to make any special report, concerning the work under his charge, with his observations and recommendations thereon and pertinent statistics concerning the work of the department, each of which the Governor shall transmit to the Legislature with such comments as he may desire to add. All such annual reports shall observe the fiscal year of the State as the reporting year and all such reports shall be subject to the other provisions of this Act in relation to the preparation of reports.

Sec. 16. Public Records: All papers, books, and other records of any matter required by law, or any rule hereunder, to be kept, and all records arising from the exercise of functions authorized or directed thereby, shall be deemed to be public records and shall be open to inspection by any interested person under such reasonable rules as may be established hereunder. A certified copy of any public record, subject to any such rules in effect, shall be furnished by the custodian thereof to any person requesting it, upon the payment of such a reasonable fee therefor as may be prescribed by law or by rule of the department. Any public record, or copy duly certified by the custodian thereof, shall be prima facie evidence of its contents in all proceedings.

Sec. 17. Oaths: The head of each administrative department and any representative authorized by him to conduct any inquiry, hearing, or investigation in the course of the conduct of the work of the department, shall have authority to administer oaths and to examine witnesses under oath relative to any matter properly made a subject of such inquiry, hearing, or investigation.

Sec. 18. Central Offices and Branches: Each department shall maintain a central office in the City of Austin in quarters provided by the Department of Buildings and Grounds, but, on recommendation of the State Budget Officer with the approval of the Commissioner of Finance and the Board of Finance, the

Governor may authorize branch offices and establishments to be established and maintained at other places, subject to appropriations available therefor.

Sec. 19. Proposals for Improvement and Economies to be Given Effect: The head of each department shall give consideration to the report of the Joint Legislative Committee on Organization and Economy established by House Concurrent Resolution No. 58 of the Forty-second Legislature, and shall, so far as practicable, in the organization of the work of his department and the preparation of work programs and budget estimates, provide for effecting the improvements and economies therein contemplated, and shall propose such legislation as may be necessary to that end.

Sec. 20. No Exception to Provisions of This Act to Be Implied from Other Acts: No provision of law authorizing or requiring any department, office, institution, or other agency to keep accounts or to exercise fiscal management and control over or with respect to any institution, activity, fund or functions of the State, shall be so construed as to exclude such department, office, or institution from the requirements of this Act relating to deposits of money in the Treasury, expenditure control, accounting, or other matter herein provided, except as any such exclusion is provided by the Constitution and is clearly stated in such form as to require exception to any requirement herein prescribed.

Article III. The Governor, the Lieutenant Governor and the Executive Cabinet.

Section 1. The Governor and the Lieutenant Governor: The Governor shall continue to be the chief executive officer of the State, responsible for seeing that all laws are faithfully executed, as provided by the Constitution of the State, and shall continue to be vested with, and to exercise, all the functions heretofore vested in his office by the Constitution, and by the laws of the State except as expressly provided herein.

The term of office for which the Governor and the Lieutenant Governor are elected shall continue to

be two years as provided by the Constitution, but if and when the Constitution is amended to permit such term for such officers or either of them, the term of office shall be four years.

Sec. 2. The Executive Cabinet: The heads of the administrative departments together shall constitute an Executive Cabinet, which shall meet not less often than once a month at such times and places as it may provide by rule and at other times and places upon the call of the Governor, or the Secretary of the Executive Cabinet hereinafter provided for. The Executive Cabinet shall consider such matters involving general administrative policies and procedures, interdepartment relations, and desirable measures of co-operation between departments, as the Governor, the Secretary of the Executive Cabinet, or any member, may place before it, and shall advise and consult with the Governor at his request upon all matters affecting the welfare of the State and relating to their several departments. For the purpose of this section the State Highway Engineer shall be the head of the Department of Highways, and the Commissioner of Education and the Chancellor of Higher Education the heads of the Department of Education. The Governor shall be the Chairman of the Executive Cabinet, and in his absence the Secretary of the Executive Cabinet shall preside.

Sec. 3. Secretary of the Executive Cabinet: There shall be a Secretary of the Executive Cabinet, who shall be appointed by the Governor on the basis of his qualifications therefor and without regard to any political or religious considerations. The qualifications for such appointment shall include eight years of responsible experience in the management of substantial public or private business enterprises. The Secretary of the Executive Cabinet shall prepare all matters for consideration by the Executive Cabinet and present them with such available facts and documents as will aid in such consideration. He shall keep the minutes and other records of the Executive Cabinet. He shall make continuous studies and accumulate and compile information for the use of the Executive Cabinet and the members thereof and the Gover-

nor, relative to the business management and operations of the State government and shall currently supply the members with copies of available reports and documents and other material relating to the financial condition and financial problems of the State, the difficulties that individual departments have to overcome, the manner in which the problems of each department relate to those of other departments and to the State government as a whole, and the methods by which similar problems have been met and solved in other jurisdictions. He shall assist the Governor in handling, and in securing the co-ordination of the efforts of the several departments with respect to matters of administration that do not pertain specifically to individual departments. The Secretary of the Executive Cabinet shall not take any part in political management nor concern himself with any matters of political expediency, but shall deal solely with administrative and operating processes and procedures, and such facts relative thereto as may be of use in the carrying out of any administrative policies that may be adopted.

The Secretary of the Executive Cabinet may provide for such positions of assistants, and for appointments and removals in relation thereto, as may be provided by appropriations, subject to the provisions of this Act.

It is hereby declared to be the policy of the State to regard the office of Secretary of the Executive Cabinet as a continuing one, whose primary purpose shall be to place at the disposal of each succeeding administration of the State government, the accumulated knowledge and experience of the incumbent relative to the course of business management and the operating program of the State, the past action in such matters and the reasons therefor, and the status of the projects and undertakings that the State has in process at any time.

To aid in the accomplishment of the purpose hereby declared, the policy is commended by the Legislature, to each incoming Governor, of providing for continuity in office of the Secretary of the Executive Cabinet by successive reappointments, from one administration to another, and the retention of qualified assistants thereto, during meritorious service.

Article IV. Department of State.

Section 1. Functions: All functions heretofore vested in the Secretary of State are hereby vested in the Department of State, except as otherwise provided herein. All functions heretofore vested in the State Banking Department, the Board of Insurance Commissioners, the Railroad Commission, and any other officer or agency of the State government, in relation to the issuance of charters of incorporation, are hereby transferred to and vested in the Department of State.

Sec. 2. Head of the Department: The head of the Department of State shall be the Secretary of State, who shall be appointed by the Governor by and with the advice and consent of two-thirds (2/3) of the Senate present. The Secretary of State shall have such qualifications as are represented by graduation in law or business administration from an institution of recognized standing and five years of experience in the practice of law or in a responsible capacity in business administration, or any equivalent combination of education and experience, as determined by the Governor and the Senate.

Article V. Department of Law.

Section 1. Functions: All functions heretofore vested in the Attorney General are hereby vested in the Department of Law, except as otherwise provided herein.

Sec. 2. Head of the Department: The head of the Department of Law shall be the Attorney General, elected in the manner and for the term provided by law, but if and when the Constitution of the State shall have been amended to permit, the term of office shall be four years. The Attorney General shall be the chief law officer of the State, and all legal services required by other administrative departments shall be rendered by him, or when rendered by members of the organizations of such departments shall be subject to his supervision and approval.

Article VI. Department of Taxation and Revenue.

Section 1. Function: The functions of the Department of Taxation and Revenue shall comprise all functions of the State in relation to the admin-

istration of the State tax and revenue laws, the supervision of local tax assessment and collection, the keeping of statistics and other records of local finances and financial operations and the rendering of advice and assistance in relation to such matters, the collection of revenues and other charges due the State, including fines, forfeitures and escheats, the making of investments, the receiving and safe-keeping of, and the accounting for, cash and securities, and the depositing, disbursing, and investing of cash, and all other functions of the State in relation to taxation and treasury administration, except as otherwise provided herein.

All such functions heretofore vested in any agency of the State government, are hereby transferred to and vested in the Department of Taxation and Revenue. Specifically, the functions so transferred to and vested in the Department of Taxation and Revenue, except as otherwise provided herein, shall include:

All functions of the State Tax Board (Intangible Tax Board) and the Tax Commissioner of the State of Texas.

All functions of the Secretary of State in relation to franchise taxes and delinquent franchise taxes.

All functions of the Comptroller of Public Accounts in relation to the administration of gross receipts and gross production taxes, the gasoline tax including refunds, sales, and occupation taxes, and inheritance taxes; in relation to ad valorem taxes including functions in connection with delinquent taxes and those in supervising and instructing local assessors and collectors, receiving and tabulating assessed valuations, receiving and auditing tax rolls, and collecting taxes from non-residents; and in relation to registering bonds of the State and its political divisions and keeping records of such bonds and those purchased for the permanent funds of the State, issuing deposit warrants and suspense receipts, and receiving and depositing moneys.

To the extent permitted by the Constitution, all functions of the Comptroller of Public Accounts and the State Board of Education in relation to the investment of the proceeds of the sale of lands set apart to the Public Free School Fund, and of the Comptroller in relation to the apportionment of the county tax on rolling stock of railroad companies as pro-

vided by Article VII, Section 4, and Article VIII, Section 8, respectively, of the Constitution. The Comptroller shall continue to make all such investments and apportionments as provided by the Constitution, but shall act in such matters through the Department of Taxation and Revenue, and with regard to its recommendations. In the cases of investments such action shall be taken upon approval by the State Board of Education directing such investments to be made. If and when the Constitution shall have been amended to permit, however, all such functions shall be vested exclusively in the Department of Taxation and Revenue.

All functions of the Railroad Commission in relation to the gross receipts tax on gas utilities.

All functions of the State Treasurer.

All functions of the Board of Insurance Commissioners and of each such commissioner in relation to taxes on insurance companies.

All functions of the Game, Fish, and Oyster Commission in relation to sales of sand, shell, and gravel.

All functions of the State Highway Department in relation to the licensing and registration of motor vehicles and chauffeurs.

All functions of the Board to Calculate the Ad Valorem Tax Rate.

All functions of the State Depository Board.

All functions of the State Auditor and Efficiency Expert in relation to compiling financial statistics of local governments under Chapter 279 of the General Laws of the Forty-second Legislature, and in relation to fee reports under Chapter 20 of the General and Special Laws of the Forty-first Legislature, Fourth Called Session.

All functions of the Board of Regents of The University of Texas in relation to investment of the permanent fund of The University of Texas under Chapter 55 of the General Laws of the Forty-second Legislature.

All other functions heretofore vested in each such agency and in every agency, not specifically mentioned herein, in relation to any matter hereby assigned to and vested in the Department of Taxation and Revenue.

Sec. 2. Head of Department: The head of the Department of Taxation and Revenue shall be the Commis-

sioner of Taxation and Revenue, who shall be appointed as herein provided. The qualifications for such appointment shall include graduation in law or business administration from an institution of recognized standing, and eight years of experience in tax administration of which four years shall have been in a responsible capacity, or any equivalent combination of education and experience as determined by the State Tax Board; and recognized standing in the field of taxation or tax law. The Commissioner of Taxation and Revenue shall be the chief authority of the State and the advisor of the Governor and the Legislature in matters of taxation and treasury administration. The Tax Commissioner in office when this Act takes effect shall continue in office as the Commissioner of Taxation and Revenue, hereunder, until the expiration of his term or until the office is otherwise vacated, but his successor shall be appointed under the terms of this Act.

Sec. 3. Organization of the Department: There shall be in the Department of Taxation and Revenue, a State Tax Board, a Bureau of Taxation, and a Bureau of the Treasury.

Sec. 4. State Tax Board: The State Tax Board shall consist of three members appointed as herein provided for six-year terms; one every two years after the Board is first constituted. In addition to exercising the functions elsewhere provided in this Act for boards and commissions of administrative departments, the State Tax Board shall approve depositories, before they may receive deposits of State funds; approve investments before any investments of State funds are made; pass upon, approve, and fix all assessments of taxes for State purposes before they may become effective; hear and determine appeals from assessments so fixed by it, and have power to order the correction of errors and inequities in the assessment and collection of such taxes.

Sec. 5. Bureau of Taxation: The Department of Taxation and Revenue shall exercise through the Bureau of Taxation all its functions in relation to administration of the tax and revenue laws, and in relation to the finances of local government, except those in relation to collection of State taxes and other revenues. The

Bureau of Taxation shall be under the immediate direction and control of the Commissioner of Taxation, but if and when the Constitution shall have been amended to remove the requirements for the election of the State Treasurer, the head of the Bureau of Taxation shall be a Director of Taxation appointed in accordance with this Act. The qualifications for such appointment shall include graduation in law or business administration from an institution of recognized standing and five years of experience in tax administration, or any equivalent combination of education and experience.

Sec. 6. Organization of Bureau of Taxation: The Bureau of Taxation, as first organized hereunder, shall include the divisions of administration, research, motor vehicle registration, inheritance taxes, franchise taxes, gross receipts taxes, sales and occupation taxes, and local government.

The licensing and registering of motor vehicles, and the administration of inheritance taxes, franchise taxes, gross receipts taxes, and sales and occupation taxes including the gasoline tax, shall be administered through the division of motor vehicle registration, inheritance taxes, franchise taxes, gross receipts taxes, and sales and occupation taxes, respectively.

Sec. 7. Division of Administration: The Division of Administration shall maintain the files and records of the Bureau; render central stenographic, typing, and other office services; and provide assistance to all the other divisions in designing forms and preparing reports. It shall maintain a staff of field agents for service to all other divisions and no separate staffs of field agents or employees shall be provided for any other division of the Department.

Sec. 8. Division of Research: The Division of Research shall make continuous studies of the operation of the tax law, of the distribution and effects of the Bureau of Taxation in this State, and of taxation in other states and countries, and prepare statistics and reports relative thereto with proposals for such changes in the tax and revenue laws as seem to be desirable, for consideration by the Commissioner of Taxation and Revenue and the State Tax Board as basis for their recommendations to the Governor and the Legislature. Under the

direction of the Commissioner of Taxation and Revenue, it shall prepare the annual report of the Department of Taxation and Revenue.

Sec. 9. Division of Local Government: The Division of Local Government shall exercise the functions heretofore vested in the Comptroller of Public Accounts, for supervising local assessments and collections of taxes, furnishing supplies to local assessors, receiving and tabulating assessed valuations, and auditing accounts of collectors and taxpayers. It shall assess the intangible values of railroad property, toll bridges, and ferries, determine the values of land belonging to The University of Texas for taxation for county purposes, and calculate the ad valorem tax rate. The values and rates so determined when approved by the Commissioner and the State Tax Board shall be certified to the county assessors as provided by law. It shall register all bonds of local governments; advise and assist local governments in all matters of financial administration; and gather and compile statistics and prepare annual reports on local assessments, revenues, expenditures, debts, costs, and financial condition of local governments.

Sec. 10. Calculation of Ad Valorem Tax Rate: The ad valorem tax rate for State purposes shall be determined by the amount needed to balance the State budget as certified by the Commissioner of Finance and verified by the State Auditor, to which shall be added 20 per cent for losses and costs of collection; the resulting total sum which must be collected for State purposes shall be divided into the quotient of the total valuation of all property within the State by one hundred, to derive the number of cents on each one hundred dollars of valuation to be collected for State purposes.

Sec. 11. Qualifications of Heads of Divisions: The heads of the divisions of motor vehicle registration, inheritance taxes, franchise taxes, gross receipts taxes, sales and occupation taxes, and local government, shall be qualified tax administrators in their respective fields. The head of the Division of Research shall be a qualified tax economist, trained in taxation, economies, and statistics, and with five years of experience in research and statistical investigation in public taxation and finance.

Sec. 12. Bureau of the Treasury: The State Treasury, the custody of all moneys and securities belonging to the State or for which the State is responsible, the selling of bonds of the State and the keeping of records of bonds purchased and redeemed, and the custody of all funds of the State and payments therefrom in the manner provided by law, shall be included in the Bureau of the Treasury, except as otherwise expressly provided herein. The Bureau of the Treasury, except as otherwise provided herein, shall collect and receive all moneys due the State or for which the State is responsible, keep custody of and manage proceeds thereof subject to the approval of depositories and investments by the Commissioner of Taxation and Revenue and the State Tax Board, and cause the moneys to be paid out on lawful warrants of the Comptroller. It shall manage the deposits and investments of funds so as to secure the highest aggregate returns consistent with current needs for cash in the several funds at all times.

Sec. 13. Head of the Bureau: The head of the Bureau of the Treasury shall be the State Treasurer, elected as provided by law, who shall appoint a Deputy Treasurer with the approval of the Commissioner of Taxation and Revenue. The Deputy Treasurer shall be a trained executive, with five years of experience in large-scale fiscal operations involving the custody and management of funds; and thorough knowledge of treasury, financial, and banking procedures. The Deputy State Treasurer shall succeed to all the powers of the Chief Clerk as provided under Article 4376 of the Revised Civil Statutes of 1925 and shall have full power to act for the State Treasurer in the absence of the State Treasurer, who also may delegate to the Deputy Treasurer the authority and responsibility for immediate direction and supervision of the work of the Bureau, for the signing of checks and warrants, and for any or all other functions of the State Treasurer.

But if and when the Constitution shall have been amended to eliminate the requirement of election of the State Treasurer, the Deputy Treasurer, appointed as herein provided, shall be the State Treasurer, head of the Bureau of the Treasury, and subject to the immediate direction and

control of the Commissioner of Taxation and Revenue.

Sec. 14. Organization of the Bureau: The Bureau of the Treasury as first organized hereunder, shall include divisions of collections, receipts, warrants, bonds, accounts, and investments.

Sec. 15. Division of Collections: The Division of Collections shall be responsible for the collection of all revenues due the State including the cigarette tax and the collection from non-residents of taxes locally assessed, and the collection of all fines, forfeitures and escheats due to the State. Fees and other charges for licenses, permits, or certificates of any kind, shall be collected at the times such licenses, permits, or certificates are issued by the agencies issuing them. Other charges due the State, shall also, so far as practicable, be collected at the times the services are rendered or the liabilities accrue, by the agencies rendering the services or assessing the charges, or otherwise giving rise to the charges in favor of the State. In every other case, such agency shall forthwith render a bill on account to the person liable for the amount due and furnish a copy thereof to the Treasurer and one to the Comptroller. The Division of Collections shall actively prosecute the collection of all such charges in every practicable way.

Sec. 16. Division of Receipts: The Division of Receipts shall be responsible for receiving moneys collected by the various agencies from different sources and depositing them in the designated depositories, recording remittances to the Treasury, and preparing statements of receipts. No moneys shall be disbursed in cash, but all moneys shall be deposited as provided, and disbursed as elsewhere provided herein.

Sec. 17. Receipts to be Deposited Daily: No receipts from any source shall be held, or used, or deposited in any personal or special bank account temporarily or otherwise, by any agency or employe of the State, to meet expenditures or for any other purpose, except as expressly provided herein. All receipts of any character, of any officer or employe of the State, in connection with any business

of the State, and all balances of money on hand at any time, except as otherwise provided herein, shall be paid, within one business day after receipt, into the Treasury in the form in which received, directly or by deposit with designated depositories, to the credit of the Treasurer. Copies of forms prescribed by the Comptroller covering all such deposits shall be lodged with the Comptroller and the Treasurer.

Sec. 18. Division of Warrants: The Division of Warrants shall keep all records in relation to the issuing and payment of warrants on the Treasury.

Sec. 19. Division of Bonds: The Division of Bonds shall be responsible for the safe-keeping of all bonds and other securities in the custody of the Treasury, and for clipping and collecting all coupons on bonds owned by the State for all sales and redemptions of State bonds, and for all purchases of bonds and other securities for investments approved by the State Tax Board.

Sec. 20. Division of Accounts: The Division of Accounts shall be responsible for keeping the general ledger, the fund ledger, the bond ledger, the depository bank ledger, and any major accounting records of the Bureau.

Sec. 21. Division of Investments: The investment office of the University of Texas shall be transferred to the Bureau of the Treasury as the Division of Investments which shall keep itself informed regarding the investment values of all available investments for State funds, and shall make recommendations to the State Treasurer with regard to all proposed investments of any State funds. In making its studies and recommendations the Division of Investments shall utilize the information as to financial condition and operation of local governments collected and compiled by the Division of Local Government in the Bureau of Taxation.

Sec. 22. Borrowing Between Funds: Any surplus moneys of any fund, except as otherwise provided herein, may be used to purchase any bonds or notes of the State under the same conditions and subject to the

same restrictions as money borrowed from any other source. No borrowing, or transfer, of moneys between funds, or use of the moneys of any fund for the purpose of another fund, shall be exercised or permitted, otherwise than in accordance with this section, except as expressly provided herein.

Sec. 23. Designation of Depositories: Applications for deposits of State moneys shall be received separately for active and inactive accounts. Each application shall specify the net rate or rates of interest which the bidding bank proposes to pay on the average daily balances of deposits, without charges or deductions, and the amount of money that will be accepted for deposit at the proposed rate. Each bidder may specify two or more rates for each active and each inactive account, each successive rate being applicable to any excess of deposits over the maximum amount specified for the next higher rate. The bids of banks qualified under the provisions of law, and the rules of the Department, for designation as State depositories shall be listed in the descending order of the rates of interest offered, with the amount of money that will be accepted for deposit and for which the bank is eligible, at each rate, for active and inactive accounts, the bids being listed separately, and with the approval of the State Tax Board, the banks so listed shall be designated as State depositories in descending order, for the amounts, and at the rates of interest, so specified.

Sec. 24. Deposits and Transfers: The State Treasurer in making deposits and by transfers between depositories, shall give preference as to either class of accounts, active or inactive, to the accounts for which the highest rates of interest are payable, depositing any surplus over the amounts receivable at such rates to the accounts offering the next lower rates, provided that no more than forty per centum of the State's moneys on deposit at any time shall be allowed to remain on deposit with any one depository. If two or more bidders offer the same rate, any amounts to be deposited at such rate shall be divided equally between them or as nearly so as may be practicable. The list of bidders shall be revised by

the securing of new bids at least annually and as much oftener as the Treasury may elect.

Article VII. Department of Finance and Administrative Service.

Section 1. Functions: The functions of the Department of Finance and Administrative Service shall comprise all administrative functions of the State, except as otherwise provided herein, in relation to:

1. Developing financial policies and plans for adoption and budgeting in accordance with such policies and plans as adopted.
2. Co-ordinating, supervising, and directing, the fiscal affairs and fiscal procedures of the State, to insure the carrying into effect of the definite financial policies and plans approved or prescribed by the Legislature.
3. Controlling the collection of revenues.
4. Accounting, including budgetary accounting and the control of the incurring of obligations.
5. Pre-auditing expenditures and currently auditing receipts and receivables.
6. Purchasing and storekeeping and stores control.
7. Property control.
8. Control of employment and compensation of personnel.
9. Fiscal reporting.

All such functions heretofore vested in any existing agency are hereby transferred to and vested in the Department of Finance and Administrative Service. Specifically the functions so transferred to and vested in the Department of Finance and Administrative Service, except as otherwise provided herein, shall include:

All functions of the State Board of Control in relation to public printing, purchasing, accounting control of public hearings and other State property, and the sale of public property; estimates and appropriations; and accounting and auditing performed in connection with any functions vested in the State Board of Control.

All functions of the Comptroller of Public Accounts in relation to keeping accounts of the State; keeping and settling all accounts in which the State is interested; and acting as custodian of deeds and other docu-

ments relative to contracts and obligations of the State.

All functions of the State Auditor and Efficiency Expert in relation to receiving statements of earnings and expenditures; securing, compiling, and submitting reports to the Legislature and the Governor; current auditing of claims; designing forms; investigating the activities of departments with respect to efficiency of personnel and duplication of efforts and need for position; and designing uniform systems of auditing and accounting.

All functions of the Board of County and District Road Indebtedness.

All functions of the Board of Managers of the Texas State Railroad.

All functions of the Auditor for the State Prison System in relation to current auditing of accounts, transactions, and property of the Prison System under Chapter 212 of the Acts of the Fortieth Legislature.

All functions of the Secretary of State in relation to annual and biennial reports under the provisions of Article 13 of the Revised Civil Statutes of 1925.

All other functions heretofore vested in each such agency, and in every other agency, not specifically mentioned herein, in relation to any matter hereby assigned to and vested in the Department of Finance and Administrative Service.

Sec. 2. Head of Department: The head of the Department of Finance and Administrative Service shall be the Commissioner of Finance and chairman of the Board and shall be elected by the Board as herein provided. The qualifications for such Commission shall include graduation in business administration from an institution of recognized standing, and eight years of experience in business and finance, of which five years shall have been in a responsible administrative capacity, preferably in State financial administration, or any equivalent combination of education and experience as determined by the Board of Finance; and through knowledge of modern business methods. The Commissioner of Finance shall be the chief financial officer of the State and the adviser of the Governor and the Legislature in financial matters, and shall at all times be charged with protecting the

financial interest of the State in all matters, whether or not specifically assigned to him.

Sec. 3. Organization of the Department: There shall be in the Department of Finance and Administrative Service a Board of Finance and bureaus of the budget, accounts, audit and control, purchases and property control, and personnel administration.

Sec. 4. Board of Finance: The Board of Finance shall consist of three members appointed by the Governor with the advice and consent of two-thirds of the Senate as herein provided for six year terms one each two years after the Board is first constituted. The members of the existing State Board of Control shall be continued as members of the Board of Finance hereunder until the expiration of their respective terms, but their successors shall be appointed under the terms of this Act. The Board of Finance shall appoint heads of bureaus and employes of the Board. One member of the Board of Finance shall be designated the State Finance Officer, one as the State Budget Officer, and one as the State Purchasing Agent, and the members of the Board shall be State officers. They shall take the official oath and each give bond in the form prescribed by the Attorney General in the sum of twenty thousand dollars.

Sec. 5. Bureau of the Budget: The Department of Finance and Administrative Service, through the Bureau of the Budget shall

1. Keep in continuous touch with the operations, plans, and needs of the several departments and agencies of the State, and with the sources and amounts of revenue and other receipts of the State.

2. Appraise the quantity and quality of services rendered by each department and agency, and the needs for such services and for any new service.

3. Develop plans for improvements and economics in organization and operation of the departments, and install such plans as approved by the respective heads of departments or as directed by the Governor with the approval of the Executive Cabinet.

4. Develop, in co-operation with the several departments, comprehen-

sive, long-range plans for capital improvements and the means for financing them, for at least ten years into the future.

5. Devise and prescribe the forms of operation reports to be required periodically from the several departments and agencies and require the several departments and agencies to make such reports.

6. Edit, verify, and reduce to concise and readable form, every annual, biennial, or other report or publication of any kind proposed by any department or officer to be printed out of public funds.

7. Prepare the biennial budget report for the Governor's approval and submission to the Legislature.

8. Prepare a State budget for each fiscal year based on the budget report as modified by the appropriation and revenue acts.

9. Recommend transfers between appropriations, under the terms of this Act, to become effective upon approval by the Commissioner of Finance and the Board of Finance.

10. Examine and approve work programs and quarterly allotments to the several departments, and changes therein.

11. Examine and approve all statements and reports on the financial condition, and estimated future financial condition, and operations of the State government and the several budget units, as prepared by the bureau of accounts, before any such reports are released to the Governor, to the Legislature, or for publication; receive and deal with all requests for information as to financial condition and operations of the State; prepare such unit costs and cost statistics as may be required from time to time.

12. Advise and assist the Commissioner of Finance, the Board of Finance, the Governor, and the Legislature and the appropriations committees thereof, upon request, in any matters relating to the functions of the Bureau.

Sec. 6. Head of the Bureau: One member of the Board shall be the State Budget Officer. He shall be qualified therefor by graduation in accounting and business administration from an institution of recognized standing, and five years of responsible experience in financial planning and management, preferably in the

public service, or any equivalent combination of education and experience; and skill in appraising the fiscal needs of spending agencies.

Sec. 7. Contents of the Budget Report: Each budget report shall present a complete financial plan for each fiscal year of the ensuing biennium. It shall include:

(a) A budget message signed by the Governor, giving a summary description of his proposed financial policies and plans and explaining the more important features of financial and operating programs and their anticipated effects on the State's finances and welfare.

(b) Summary statements of financial condition of the State, to include (1) a comparative consolidated current balance sheet showing all the current assets and liabilities of the State and the current account surplus or deficit, as the case may be, at the close of each of the two fiscal years last concluded; (2) summary statements of funds balances showing in detail for each fund the current account surplus or deficit at the beginning of each of the two fiscal years last concluded, the actual income of that year, the total net appropriations of that year, the total expenditures of that year, and the excess of appropriations of that year over the expenditures of that year; and (3) similar summary statements of the estimated fund balances for the current fiscal year and each of the two ensuing fiscal years. These several statements of the financial condition of the State shall be accompanied by such detailed schedules of assets and liabilities as may be deemed desirable by the Governor.

(c) Statements of income and receipts for each of the two fiscal years last concluded, and the estimated income and receipts of the current fiscal year and of each of the two ensuing fiscal years. The statements of income and estimated income shall be itemized by sources, by organization units and sources, and by funds and sources. Statements of receipts, classified by organization units and sources, and by funds and sources. Statements of receipts, classified by organization units and sources, and funds and sources, shall also be presented. The statements of receipts and estimated receipts shall show,

separately, receipts from current income, receipts from refunds and reimbursements of expenditures, receipts from sale of assets, and receipts on account of the income of prior years, all detailed by sources. Existing sources of income and receipts shall be analyzed as to their equity, productivity, and need for revision, and any proposed new source of income or receipts shall be explained.

(d) Summary statements of expenditures and disbursements for each of the two fiscal years last concluded, which shall be itemized by budget units under functional heads, and shall show the amounts expended and disbursed, respectively, for each major function of government.

(e) A statement of the surplus account for the general fund and for each special fund. Each surplus account shall show (1) the excess of all current assets over all current liabilities as of the beginning of each of the two fiscal years, last concluded, and (2) all changes in each surplus account during each of such two fiscal years.

(f) Detailed comparative statements of expenditures and requests for appropriations by funds, budget units, and budget classes, showing the expenditures for each of the two fiscal years last concluded, the budget of the current year, and the requests of the budget unit and the Governor's recommendations for appropriations for each of the two ensuing fiscal years, all distributed according to budget classes of ordinary recurring expenses of operation and maintenance, and of extraordinary expenses and capital outlays. Following the lists of actual and proposed expenditures of each budget unit there shall be a brief explanation of the functions of the unit and comments on its policies and plans and on any considerable differences among the amounts expended, amounts requested, and amounts recommended, with such descriptive, quantitative, comparative, and other data as to work done, unit costs, and the like information, as is considered necessary or desirable. In connection with each budget class of capital outlays involving construction projects to be completed in two or more fiscal years, there shall be shown the total estimated costs of each such project

and the amount thereof recommended to be appropriated and expended in each ensuing fiscal year until completion of the project.

(g) A summary statement for each fund of the cash resources estimated to be available at the beginning of each of the two fiscal years next ensuing, and the estimated cash receipts of the fiscal year, as compared with the total recommended amounts of appropriation for all budget classes for the year and, if the total of the recommended expenditures exceeds the total of the estimated resources, recommendations as to how the deficiency is to be met and estimates of receipts from any proposed additional revenues or borrowing.

(h) A statement of the total and net debt of the State, by funds, together with a schedule of maturities of bond issues and a statement of borrowing capacity.

(i) A capital improvement program, as revised and brought down to date and approved by the Board of Finance, including all proposed capital improvements covering the period of ten years into the future, listed in the order of their relative urgency and importance, and indicating the proposed means of financing, as by bond issues, taxation, and other means, and the extent of proposed financing by each such means from year to year.

(j) A draft of a proposed appropriation act or acts embodying the Governor's recommendations for appropriations for the ensuing fiscal year and drafts of any other acts, such as any act to authorize any provision for additional revenue, needed for putting into effect the financial plans proposed. The recommended appropriations for ordinary recurring expenses shall not be itemized by budget classes in the appropriation acts but by budget units, and the amount of each of such recommended appropriation shall be the total of the recommended amounts for the budget classes in the group covered by the appropriation. Recommended appropriations for extraordinary expenses and capital outlays shall be itemized in the appropriation acts by budget classes and the title of each budget class shall be supplemented by such wording as is needed to limit each appropriation to the specific use or purpose intended. In connection

with each suggested appropriation for capital outlays the appropriation act shall specify the total amount to be appropriated for the total estimated cost of each such project, the amount recommended for appropriation for expenditure during each of the two ensuing fiscal years, and the amount recommended for appropriation for each fiscal year thereafter until the completion of the project. The recommended appropriations for each budget unit shall be specified in a distinct and separate section of the appropriation act. The total amount of appropriations recommended from any fund, estimated or authorized, shall not exceed the cash resources as estimated by the Governor to be available and to become available to meet expenditures under such appropriations.

(k) A certificate or certificates of the State Auditor as to the accuracy of each statement in relation to the financial condition of the State, income and receipts and expenditures and disbursements, actual and estimated, estimated cash resources, and net debt, and such comments as the State Auditor may desire to add.

(l) Such other information as the Governor may think desirable or as may be required by law.

Sec. 8. Estimates and Appropriations for Contingencies and Reserves: The estimates and appropriations may include for each fund:

(a) An amount for contingent purposes for each budget year, available for transfer under the provisions of this Act during the budget year to the appropriations for any budget units to meet contingencies that may arise, but the total appropriations for all such purposes from any fund, shall not exceed three per cent of the aggregate of all appropriations of the fund.

(b) A reserve for any budget year to be carried over to the next fiscal year following the budget year as cash resources available for expenditure to meet the cash requirements of the fund for that year until the receipts from current taxes or other resources are sufficient. If at any time during any fiscal year the total receipts from all sources estimated in the budget report exceed the total so estimated, the excess shall go to constitute or increase the cash reserve and shall not be available for expendi-

ture under the appropriations of the fiscal year in which received.

Sec. 9. Department Estimates: The head of each budget unit, not later than the fifteenth day of October of each even-numbered year, shall submit to the State Budget Officer estimates of the financial requirements and of the receipts of such budget unit for the next two fiscal years, on the forms, and in the manner, prescribed by the State Budget Officer, and accompanied by such explanatory data as may be required by him, together with such additional information as the head of the budget unit may wish to submit. The estimates so submitted shall bear the approval of the boards or commissions of departments for which such boards or commissions are constituted.

Sec. 10. Preparation of Budget Reports: The State Budget Officer shall have in continuous process of preparation and revision, in the light of his direct studies of the operations, plans, and needs of departments and of the existing and prospective sources of income, a tentative budget report for the next ensuing biennium for which a budget report is required to be prepared. Upon receipt of the estimates of the several budget units, he shall check these estimates in the light of his own information, and shall revise his tentative budget report as he finds such revision warranted. Such tentative budget report when approved by the Commissioner of Finance and the Board of Finance shall be certified to the Governor.

Sec. 11. Governor to Examine and Approve Budget Report: The Governor, during the progress of preparation of the budget report and prior to its submission to the Legislature, shall examine the statements and estimates and shall make or cause to be made such further investigations as he may direct, with such hearings before the Governor, the Board of Finance, the Executive Cabinet, or other agency, as he may deem advisable, and shall recommend such changes or revisions in policy and program, and in specific details, as he may find warranted. The Governor-elect, when other than the incumbent, shall be entitled to examine the budget report in process and the State Budget Officer shall provide him with every practicable facility for familiarizing him-

self with its contents, and shall be entitled to a seat in all hearings thereon. He shall be furnished a copy of the tentative budget report as certified to the Governor. The budget report, as recommended by the Board and or Governor, shall be transmitted to the Legislature not later than the third Monday after the beginning of the next regular session of the Legislature.

Sec. 12. State Budget Officer to Assist Legislature: From the time of the transmission of the budget to the Legislature until the appropriation bills shall have been finally disposed of, the State Budget Officer shall be at the disposal of the Legislature and of the appropriations committees thereof, and shall devote his entire time or so much thereof as may be required, to the work of the appropriations committee of the House of Representatives and the finance committee of the Senate, under the direction of the respective chairmen.

Sec. 13. State Budget: Upon the passage of the biennial appropriation act or acts, the State Budget Officer shall prepare and compile a budget for each fiscal year of the biennium, based on the appropriation act or acts together with all the data included in the budget report, with such revision as may be necessary to bring them into conformity with the appropriation act or acts and the legislative provisions and the administrative rules in effect governing the administration of the budget. The State Budget Officer shall consult the Board of Finance who may require an advisory vote of the Board of Finance, on any question pertaining to the formulation of the State budget. When the State budget has been so prepared, the State Budget Officer shall cause it to be printed or otherwise duplicated, and copies thereof to be distributed to the heads of the budget units.

Sec. 14. Transfer of Appropriations: Upon the request of the head of any budget unit, the State Budget Officer, with the approval of the Commissioner of Finance and the Board of Finance, may at any time during a fiscal year transfer any portion of an unencumbered balance of an appropriation to any other appropriation for the same budget unit, but no transfer shall be made between any appropriation for ordinary recurring

expenses of operation and maintenance and any appropriation for extraordinary expenses or capital outlays. Upon like request and with like approval, he may transfer any portion of an appropriation for contingent purposes to the appropriations for any budget unit for expenditure under any budget class of ordinary recurring expenses. Transfers may be made, without prior authorization, between the appropriations of budget units, for services or supplies furnished by one budget unit to another, on statements rendered, duly examined and settled by the Comptroller as in the case of other claims.

Sec. 15. Allotment of Appropriations: All appropriations shall be made available to the budget units for expenditure, by allotments for each quarter of the fiscal year, made on the basis of work programs prepared by the heads of the budget units. Not later than fifteen days before the beginning of each quarter of each fiscal year, the heads of the several budget units shall submit to the State Budget Officer, on forms prescribed by him, their work programs and proposed allotments of available balances of appropriations, for each then ensuing quarter of the fiscal year. The proposed allotments for ordinary recurring expenditures shall conform to the definite budget classes of expenditures specified in the budget. The work programs for extraordinary expenses and capital outlays shall set out in detail the work planned, the estimated total cost, and the estimated requirements for cash, as the basis for allotments under such appropriations in the next succeeding quarter and each succeeding quarter of the fiscal year, and in addition shall indicate the estimated cash requirements to be met from appropriations in each succeeding fiscal year until completion of the projects or until the equipment or other property has been acquired.

Sec. 16. Fixing of Allotments: It shall be the duty of the State Treasurer and the State Budget Officer, prior to the first day of each quarter of the fiscal year, to review the progress of the collection of State revenues; to consider the condition of the State Treasury; to forecast the receipts of the State Treasury for the ensuing three months and estimate the total cash resources of such

period that will be available for expenditures; to estimate the probable cash requirements for interest on, and retirement of, funded debt maturing and payable within the ensuing three months. The State Budget Officer shall thereupon approve allotments for such interest and retirement; and revise and amend any allotments previously made for extraordinary expenses and capital outlay projects already in progress, to agree with the amounts estimated to be needed to meet such expenditures for the period; revise and amend the allotments for ordinary recurring expenses proposed by the budget units, as he may deem necessary to promote economical spending and to bring the total of all such allotments within the amount of the estimated balance of available cash resources for the period, and approve such allotments as revised and amended; approve any additional allotments for extraordinary expenses and capital outlays that may be undertaken during the ensuing three months in such amounts as he estimates can safely be expended on each without causing a cash deficit. Advices of all allotments so made and approved shall forthwith be furnished to the budget units and the Comptroller.

Sec. 17. Reductions in Allotments to Prevent Cash Deficits: If at any time during a fiscal year the State Budget Officer or the State Treasurer shall find that the receipts of the State Treasury are falling short of the estimates for the then current three-month period, and that by reason of this fact, or by reason of other unforeseen conditions, a cash deficit is likely to be incurred under the expenditure allotments then in force, it shall be the duty of the said officer or officers to report the facts to the Commissioner of Finance. The Commissioner shall forthwith call a meeting of the Board of Finance which shall proceed with the advice and assistance of the State Budget Officer and the Commissioner to review the estimates and to examine in detail the proposed expenditures under allotments in force, and shall reduce such allotments as it may see fit, to bring the authorized expenditures within the amount of the cash resources then estimated to be and become available during the period, provided that proposed non-essential expenditures and expenditures for projects that can

reasonably be postponed shall first be eliminated from the allotments as originally authorized.

Sec. 18. Other Changes in Allotments: The heads of the budget units shall hold to the work plans and detailed expenditure estimates as authorized and approved on advices of allotments. In no case shall obligations be incurred or expenditures be made in excess of the total amounts allotted. The head of any budget unit, however, may request a revision of his work program or any item or allotment thereunder at any time, which request shall be given the same consideration by the State Budget Officer as an original request for allotment. Transfers from one budget class to another budget class in the same allotment may be authorized by the head of a budget unit by notice to the State Budget Officer of each such transfer, but no transfers from or to the budget classes of fixed charges, grants, and donations, and capital outlays, shall be so authorized. Transfers between allotments for ordinary recurring expenses may be made with the prior approval of the State Budget Officer of each transfer. The State Budget Officer shall notify the Comptroller and the heads of the budget units concerned of all changes in allotments.

Sec. 19. Work Programs and Allotments to Follow Budget and Appropriations: The heads of the budget units in formulating their work programs and requests for allotments, and the State Budget Officer in allotting appropriations for expenditure, shall be governed so far as is practicable by the work plans formulated by the heads of the budget units as shown in the detailed budget estimates and supporting budget data, except as deviations therefrom are made necessary by changes in conditions of operation, to meet unforeseen contingencies, to correct errors, to comply with the appropriation act, or to avoid a cash deficit.

Sec. 20. Interpretation of Provisions, Appeals: All questions as to the meaning of items specified in any appropriation act or in the State Budget shall be decided by the State Budget Officer with approval of the Board of Finance, in accordance with the detailed estimates or other information embodied in the budget re-

port as considered by the Legislature, but the head of any budget unit dissatisfied with any decision of the State Budget Officer as to the amount of any allotment or as to the purposes for which moneys allotted may be expended, may appeal therefrom to the Board of Finance, whose decision shall be final, except as to questions of law.

Sec. 21. Elimination of Special Funds: The Commissioner of Finance with the approval of the Board of Finance, shall have authority, except as the Constitution otherwise provides or the Legislature may otherwise direct, to discontinue any or all special expendable State funds with the exception of sinking funds and trust funds, and to merge the balance or balances of such fund or funds so discontinued with the general fund.

Sec. 22. Revolving Working Capital Funds: A revolving working capital fund may be established by appropriation, within the general fund or any special fund, for financing the operations of industries, farms, dining halls, dormitories, book stores, refreshment booths, State-owned gasoline stations from which gasoline is sold to the public, and other activities self-supporting in whole or in part. All receipts from the operations of any such activity so financed shall be deposited intact with the State Treasurer in the manner provided in this Act, and shall be credited by the Treasurer to working capital funds and by the Comptroller to a separate and distinct working capital fund for each such activity. The amounts so credited to the working capital funds so provided may be expended in the manner provided herein for the purposes thereof, together with the original amount appropriated therefor, under allotments, without further specific appropriation. Each such fund shall lapse with the appropriation under which it was established, as provided herein, and the resources thereof shall constitute resources of the fund from which the appropriation was originally made available for appropriation for the next fiscal year for the same purpose or for any other purpose within the scope of the fund.

Sec. 23. Petty Cash Funds: Any budget unit may establish a petty

cash fund within the general fund, when provided for by appropriation and approved by the Comptroller, for the purpose of making disbursements requiring prompt cash outlay, but not in any case to exceed \$2,500. The State Treasurer, upon warrant or draft of the Comptroller, based upon approved requisition therefor from the head of the budget unit, may pay to the head of such budget unit the amount necessary to establish such fund. The custodian designated by the head of the budget unit shall, as often as may be necessary to replenish the fund and at least once each month, file with the Comptroller a schedule of the disbursements from the fund accompanied by appropriate vouchers and statements of indebtedness therefor, approved by the head of the budget unit, and by a certificate as to the condition of the fund. Payment on warrant or draft of the Comptroller in the amount of the total of the approved vouchers shall be made to the custodian of the fund and the amount shall be devoted to reimbursement of the fund. Any question relative to the amount to be allowed in any petty cash fund, the expenditure thereof, the accounting therefor, and the repayment thereof to the State Treasurer, shall be determined by the Comptroller. The amount of any petty cash fund shall lapse with the appropriation on which it is based but such fund may be re-established by appropriation for the next ensuing fiscal year.

Sec. 24. Special Deposit Fund: There is hereby created a special deposit fund consisting of all moneys received by the State or any department or officer thereof, as guarantees for the payment of any costs, charges, or damages accruing or liable to accrue to the State, or for the performance of any specific act, including all moneys deposited as bail to secure the liberation of persons accused of public offenses, all moneys deposited by bidders on contracts to insure their entering into contracts awarded them, and all moneys deposited to indemnify persons whose property may be damaged or destroyed by the operations of the depositor. The money so deposited may be returned to the depositors, without specific appropriation, allotment, or authorization for expenditure, therefor, should

they become entitled to the return thereof, in the same manner as other claims against the State may be paid, or may upon default of any depositor and upon certificate to such effect by the administrative officer having charge of the matter, be declared by the Comptroller to be forfeited in whole or in part and thereupon be transferred on his warrant, to the extent so forfeited, to the general fund. The interest on bank deposits of this fund shall accrue to the general fund.

Sec. 25. Private Trust Funds: Private funds of patients or prisoners in State institutions when such funds are deposited in such institutions for safe-keeping, and any other moneys collected from private individuals for later return to them or for payment to designated beneficiaries, and student activity funds and others of similar character, shall be kept as special trust funds in special bank accounts by the officers or employees charged with their custody, and shall be paid out on the personal checks of such officers or employees. The provisions of this act requiring deposit of receipts in the State Treasury and the appropriation, allotment, and other expenditure-control procedure prescribed herein, shall not apply to such funds, but the custodian of each fund shall make monthly reports to the Comptroller in such form as the Comptroller shall prescribe, of all receipts and disbursements, and the accounts of each such fund shall be subject to audit by the State Auditor.

Sec. 26. Bureau of Accounts: The Department of Finance and Administrative Service through the Bureau of Accounts, shall

1. Prescribe and install a unified and integrated system of accounts, covering the form of all accounts to be kept and all financial reports to be rendered for the State as a whole and any of its agencies, which shall include:

(a) A uniform classification of revenue and non-revenue receipts by sources, which shall be observed by all budget units in reporting revenues and receipts.

(b) A uniform classification of expenditures which shall provide for the analyzing, recording, and reporting of ordinary recurring expenses of

operation and maintenance, extraordinary expenses of operation and maintenance, debt service, and capital outlays, respectively, by the kinds of commodities and services involved.

2. Keep the general accounts of the State summarizing all the financial transactions of all agencies. Such accounts shall include, among others:

(a) Accounts with all expenditures under the heads of the detailed budget estimates.

(b) An account with each appropriation, to limit allotments to the amounts and purposes set forth in the Appropriation Act.

(c) An account with each allotment from each appropriation to limit obligations for expenditures, and disbursements in discharge of such obligations, to the amounts and purposes for which the allotments were made.

(d) An account with each source of revenue or other receipts. Notices of all taxes assessed and charges made by any department or officer of the State, and copies of all bills and statements covering any amounts payable to the State shall be filed with the Bureau. Close control shall be maintained to see that collection of all moneys actually received on behalf of the State are properly and promptly deposited with the State Treasurer and reported.

(e) Inventory control accounts of all real estate, equipment, stores, and other property of the State, to see that records of property in the possession of the departments are maintained and checked periodically by physical inventories and appraisals and reconciled with the control accounts.

(f) Accounts of the State debt in detail, together with the amounts and due dates of redemption and interest payments falling due.

3. Keep the detailed accounts of all agencies of the State. All accounts shall be centralized in the Bureau of Accounts except that for the Department of Highways, the Department of Education, and the Department of Public Welfare, which shall be done by the departments under a system centralized for each department, as prescribed by the Bureau of Accounts and subject to its supervision, and only the controlling accounts for such departments shall be maintained by the Bureau.

4. Prepare all accounting statements and reports relating to the financial condition of the State as a whole, to the condition and operation of State funds, to appropriations, to reserves, and to costs of operation which shall, however, be subject to review by the State Budget Officer, as herein provided, before release. There shall be so prepared and transmitted to the Governor, not later than the tenth day of each month, a summary statement of operations and financial condition for the preceding month, so prepared as to show the exact financial condition of the State and of each fund, department, and activity as of the last day of the last preceding month, and the receipts and disbursements and the income and expenditures of the State as a whole and of the several departments and their activities, for the period, and there shall be so prepared and transmitted, at least semi-monthly, statements of cash on hand, and of appropriations and allotment balances classified by budget classes and organization units. Similar reports shall be prepared for each quarter and each fiscal year, and for such other periods as may be required by the Governor. Such other statements shall be furnished as may be required for administrative and budget purposes, and annually there shall be prepared for the annual report such financial statements and data as will convey the essential facts as to the financial condition, the revenues and expenditures, the receipts and disbursements, and the costs of operation, of the State Government. The head of each budget unit shall be kept currently informed of its unencumbered appropriation and allotment balances.

Sec. 27. Head of the Bureau: The head of the Bureau of Accounts shall be the chief accountant, who shall be qualified by education, training, and experience as an accountant, preferably in modern methods of government accounting. The qualifications for such appointment shall include education equivalent to graduation from an accredited school of accounting and business administration and five years of experience as a practicing certified public accountant, or as a responsible executive accountant in business, or, preferably, government enterprises, or any equivalent combination of education and experience.

Sec. 28. Bureau of Audit and Control: The Bureau of Audit and Control shall consist of two divisions, a Division of Audit, and a Division of Disbursements.

The head of the Bureau of Audit and Control shall be the Comptroller of Public Accounts, elected as provided by law. But if and when the Constitution is amended to permit such action, the office of Comptroller of Public Accounts shall be abolished and the head of the Bureau of Audit and Control shall thereafter be the Comptroller, who shall be appointed by the Commissioner of Finance in the manner and subject to the qualifications prescribed herein for the chief accountant. The Bureau of Accounts and the Bureau of Audit and Control shall thereupon be merged in a Bureau of Accounts and Control under such appointed Comptroller.

Sec. 29. Division of Audit: The Comptroller, through the Division of Audit, shall maintain current audit and control of all receipts and expenditures; pre-audit all commitments as evidenced by copies of advices of employment, purchase orders, contracts, service agreements, and travel authorizations; approve and settle all claims against the State and provide for their payment by warrant or draft on the Treasurer, as provided herein; and prohibit the keeping, at the expense of the State, of any accounts which would involve duplication of work or conflict with the system prescribed by the Bureau of Accounts, and reject any claim for expenditure based thereon.

Sec. 30. Head of the Division: The head of the Division of Audit shall be the Deputy Comptroller, appointed by the Comptroller, with the approval of the Board of Finance. The qualifications for such appointment shall include graduation from an accredited school of accounting and business administration and five years of auditing experience as a practicing certified public accountant, or as a responsible auditing officer in business, or preferably, government enterprises, or any equivalent combination of education and experience. The Deputy Comptroller shall succeed to all the powers of the chief clerk as provided under Article 4352, of the Revised Civil Statutes of 1925.

Sec. 31. No Obligations Except as Authorized: No person shall incur, or order, or vote for, the incurrence of, any obligation against the State in excess of, or for any expenditures not authorized by, appropriation, allotment, and authorization for expenditure as provided herein, except as expressly authorized in this Act. Any such obligations so raised in contravention of this Act shall not be binding against the State, but shall be null and void ab initio, and incapable of ratification by any administrative authority of the State to give effect thereto against the State. But every person incurring, or ordering, or voting for the incurrence of such obligation, shall be jointly and severally liable therefor.

Sec. 32. Authorizations for Expenditures: It shall be the duty of the Comptroller to prescribe the forms of authorization for expenditures, and all expenditures of the budget units, except expenditures from petty cash funds as provided in this Act, shall be authorized by the heads of the budget units on such forms, and the approval of the Comptroller thereon in the manner prescribed by the Comptroller shall be secured prior to the incurring of any obligation therefor. Such forms of authorization shall comprise:

1. For personal services of officers and employes, an advice of employment for each such officer and employe, giving the name of the budget unit, the name of the officer or employe, the class of the position occupied, the date the position was authorized, the rate of pay, the date of appointment, the date from which the employment takes effect, the appropriation or appropriations to which payments of the salary or wages are to be charged, and the certificate of the responsible head of the budget unit that the information contained in the advice is true and correct.

2. For services other than personal:
 - (a) Copies of the purchase orders or contracts under which the obligations are incurred, which purchase orders or contracts shall specify (1) the kind of commodities to be supplied, and the quantity, grade, or quality, unit price, and estimated cost of such commodities, or (2) the work to be done or the services to be rendered, the unit cost or rate of payment, and the estimated total cost, or

- (b) Where it is not possible or practicable to issue a purchase order or to complete a contract, a requisition for reservation of funds drawn on the Comptroller describing in detail the nature of the commitment to be entered into or the obligation to be incurred, the unit cost, and the total cost involved, or a letter of advice of travel authorized, specifying the object of travel and its necessity, the name and position of the officer or employe authorized to travel, and the estimated cost of the travel authorized, or the costs for the fiscal year when the regular duties of an employe entail traveling.

Sec. 33. Departments to Provide Official Signatories: It shall be the duty of the head of each budget unit to designate the officer authorized to sign such forms, and no authorization for expenditure shall be honored unless such designation with a copy of the signature of the officer who signed such authorization shall be on file in the office of the Comptroller.

Sec. 34. Comptroller to Examine and Pass Upon Forms of Authorization: Every authorization for expenditure so provided for, immediately upon its receipt in the Division of Audit, shall be stamped with the date of its receipt and shall, within the next business day, be examined and returned as approved or disapproved. In no event shall the head of any budget unit or the Comptroller, either himself or through any assistant, approve any authorization of expenditure in excess of the balance unencumbered by approved authorizations for expenditure of the allotments to which the resulting expenditure will be chargeable, except as expressly provided herein.

Sec. 35. Comptroller to Prescribe Forms for Statements of Indebtedness: It shall be the duty of the Comptroller to prescribe the forms upon which shall be rendered all statements of indebtedness for presenting claims against the State. A special form, or payroll, shall be required for all salaries or other compensation of employes. Any statement of indebtedness other than payrolls shall be invalid unless it indicates the serial number of the authorization for expenditure under which such indebtedness was incurred.

Sec. 36. Comptroller to Audit and Settle Claims: The Comptroller shall prescribe the manner in which every form of indebtedness, including indebtedness for the compensation of employees, shall be presented through the Division of Audit for audit and payment; and shall, through the Division of Audit, examine, audit, adjust, and settle all accounts so presented, and approve them for payment. If a claim is found to be a proper charge, but for a greater amount than is due, it may be allowed in part and payment be authorized for the portion allowed. No claim shall be approved for payment unless it is found that the indebtedness was incurred on proper authorization hereunder and that the goods or services on which it is based were duly received in quality and amount as specified; that the claim is in other respects legally due and payable; that there exists a balance of appropriation and unencumbered allotment therefrom properly chargeable sufficient to meet the claim; and that there is money in the Treasury to the credit of the proper fund from which to make payment.

Sec. 37. Transactions Between Budget Units: All claims based on transactions between budget units shall be settled by the passing of debit and credit entries on the books of the State, upon audit and approval of the respective claims as in this Act provided, and no disbursement to any agency shall be made from the Treasury or otherwise in settlement of any such transactions.

Sec. 38. Expenditures and Commitments for Ensuing Fiscal Year May Be Specially Authorized: The Board of Finance, on recommendation of the State Budget Officer, is hereby authorized to grant special authority for any budget unit, during any fiscal year, to make specific purchases of supplies or materials to be used in the ensuing fiscal year or to enter into contracts in anticipation of appropriations already made or to be made for the next ensuing fiscal year, for any purpose authorized by existing law, provided that no such purchase order shall be issued nor contract entered into until such purchase order or contract has been approved and countersigned by the Comptroller, whose duty it shall be to see that the special authority granted by the

Board of Finance is not exceeded. Payments made at the close of a fiscal year under such authority shall be treated as deferred charges to the appropriations and expenses of the next ensuing fiscal year until the beginning of such year.

Sec. 39. Compromise of Claims: The Board of Finance, upon the request of the Comptroller, approved by the Commissioner of Finance, may authorize the compromise of any disputed claims by or against the State, or any department thereof, and the Commissioner shall certify to the Comptroller the amount to be received or paid under such compromise. Such certificate shall constitute sufficient authority for the Comptroller to pay or authorize the State Treasurer to receive the amount therein specified, and to approve settlement of such claim.

Sec. 40. Expenditures of Prior Fiscal Year: In the case of expenditures appropriated for, authorized and incurred in, and properly chargeable to, any fiscal year, but for which statements of indebtedness have not been passed by the Comptroller or the disbursements for which have not been made during such year, the Comptroller shall allow the claims and charge the appropriations of the period to which the expenditures are properly chargeable and not the appropriations of the then current fiscal year, in every case in which: (a) the actual payment is to be made within three months after the close of the fiscal year, and (b) the claim is covered by an advice of employment, purchase order, requisition for reservation of funds, or advice of travel authorized, on file in, or in transit to, the Comptroller's office as of the close of the fiscal year in which the expenditure was incurred.

Sec. 41. Lapsing of Appropriations and Allotments: The unallotted balances of appropriations and the balances not encumbered by advices of employment, purchase orders, or requisitions for the reservation of funds, or advices of travel authorized, of all allotments from appropriations, made by the Legislature for a specified year, shall lapse at the close of business in the office of the Comptroller on the tenth business day of the month immediately following the last day of the fiscal year for which

such appropriations were made. The balances, encumbered by advices of employment, purchase orders, or requisitions for the reservation of funds, or advices of travel authorized, of all allotments from appropriations made by the Legislature for a specified period, shall lapse at the close of business in the office of the Comptroller on the last business day of the third month of the fiscal year immediately following the fiscal year for which such appropriations were made.

Sec. 42. Division of Disbursements: The Comptroller, through the Division of Disbursements, shall be responsible for issuing all warrants and drafts on the Treasury and for related work. The head of the Division of Disbursements shall be an Assistant Deputy Comptroller appointed by the Comptroller of Public Accounts, with the approval of the Commissioner of Finance. The qualifications for such appointment shall include graduation from an accredited school of accounting and business administration; and five years of experience as a practicing certified public accountant, or as a responsible accounting officer in business or, preferably, government enterprises, or any equivalent combination of education and experience.

Sec. 43. Disbursements Only on Warrant of Comptroller: No claim against the State shall be paid, nor shall any money of the State or under its control be disbursed, except from petty cash funds and private trust funds as provided herein, otherwise than on warrant or draft issued by the Comptroller in accordance with the provisions of this Act. The Comptroller shall not issue his warrant or draft for any disbursement, except as otherwise herein provided, unless there has been previously filed with him an advice of allotment to which the expenditure is chargeable, approved by the State Budget Officer, and an authorization for expenditure not in excess of such allotment has been approved by the Comptroller, and unless a claim is presented and settled therefor in the manner prescribed herein. Any person or persons disbursing any moneys in contravention of this section, the sureties on their official bonds, and the persons receiving the moneys so disbursed, shall be jointly and severally

liable to the State therefor. But the provisions of this Section shall not apply to the transferring of public moneys from one depository bank to another depository bank, or the investing or reinvesting of public moneys. Lump sum transfers of appropriations to State agencies are hereby prohibited, but appropriations made to political subdivisions of the State may be paid or distributed to them.

Sec. 44. Payment of Claims: Each warrant or draft of the Comptroller shall be drawn on the State Treasurer and shall specify the particular fund and appropriation against which, and the particular statement of indebtedness in payment of which, it is drawn. All warrants or drafts issued in accordance with the provisions hereof, when signed by the Comptroller or an assistant designated by him therefor, shall constitute full and sufficient authority to the State Treasurer for the disbursement of public moneys in the amounts and from the funds set forth, and the State Treasurer shall accept all such warrants or drafts, and indicate on each the depository bank at which it is payable. The warrants so accepted shall be delivered direct by the Treasurer to the persons entitled to receive them, by mail or otherwise, and not through the budget units which incurred the expenditures, except the Division of the Treasury, nor through the Comptroller.

Sec. 45. Recoveries of Overpayments and Wrong Payments: How Accounted for: Whenever any payment from public moneys is made in error, or in an amount in excess of the amount found properly to be due and payable, and recovery of the payment so made or the excess amount so paid is subsequently effected, such amount recovered shall be deducted from the disbursements charged to the allotment and appropriation from which the payment was made and the balances in the appropriation and allotment shall be increased accordingly.

Sec. 46. Audit and Control of Accounts with Departments: The Comptroller shall assign one or more employes of the Bureau of Audit and Control to the Department of Highways, the Department of Education, and the Department of Public Wel-

fare, who shall be in charge of the keeping of the accounts and responsible to the Comptroller as his representative for maintaining the current audit and control herein provided, of the receipts and expenditures of such departments.

Sec. 47. Bureau of Purchases and Property Control: The head of the Bureau shall be one member of the Board. The Department of Finance and Administrative Service, through the Bureau of Purchases and Property Control, shall do all purchasing for the combined requirements of all spending agencies and provide for securing all such supplies materials, and equipment, including printing and advertising, insurance, electric light and power, telephone and telegraph service, by contract or otherwise, and other contractual services, not including contractual services for public works, as can be effectively and economically purchased or provided through a central agency. The Bureau shall have supervision of all purchasing by the various spending agencies and may prescribe rules and regulations to govern purchasing by or for all such agencies, subject to the approval of the Board of Finance.

In all its activities, the Bureau shall be controlled by the objective of securing the greatest possible economy consistent with the grade or quality of supplies and services adapted to the purposes to be served.

It shall have control of all supply stocks and property and equipment in use and enforce the keeping of inventory accounts as prescribed by the Chief Accountant. Perpetual inventories of plant and equipment shall be maintained under its direction. The Bureau shall have power to transfer between departments, salvage, exchange, and condemn, supplies and equipment. The Bureau shall sell all real and personal property of the State determined not to be needed for public use or to have become unsuitable for such use. It shall fix standards of quality and quantity, and develop standard specifications in consultation with the heads of budget units. It shall maintain records as to sources of supply for all classes of purchases, unit costs under contracts, trends of prices and costs, and other matters pertinent to its functions, and endeavor in every

practicable way to insure the State's supplying its real needs at the lowest practicable costs. The Bureau shall operate a mail and messenger service for all departments located at the seat of government, and handle all postage for such departments, so far as practicable by postage meter, and may maintain a central supply service including a central storeroom for stationery and office supplies. It shall provide such duplicating and minor printing service to other spending agencies as can practicably be rendered by means of available types of office equipment.

Sec. 48. Head of the Bureau: The head of the Bureau of Purchases and Property Control shall be the State Purchasing Agent. The qualifications for such appointment shall include graduation in business administration from an institution of recognized standing and five years of responsible experience in purchasing varied commodities for a large and complex organization, or any equivalent combination of education and experience.

Sec. 49. Classification of Commodities and Scheduling of Purchases: The Bureau of Purchases and Property Control shall provide under rules of the department promulgated under the provisions of this Act, for the classification of commodities for which there is sufficient demand to justify regular purchasing in anticipation of needs. Commodities of the same nature, ordinarily secured from the same sources of supply, and which can advantageously be scheduled for purchase at the same time of year, according to favorable market conditions, shall be included in the same class. The rules shall provide, so far as practicable, for the scheduling of purchases by commodity classes, so as to distribute the volume of work as evenly as may be over the entire year and so as best to meet the requirements of the several spending agencies of the State, while taking advantage of favorable market conditions and avoiding unnecessary tying up of funds. Copies of schedules of purchases shall be supplied to the several spending agencies and to interested vendors. Prior to the scheduled date for purchase of commodities of any class, estimate blanks shall be distributed to all spending

agencies using commodities of such class for their use in supplying estimates of their needs for such commodities.

Sec. 50. Out-of-Schedule Purchases and Emergency Purchases: The rules shall provide the procedure for purchase of commodities and services not so scheduled, and for emergency purchases, and define the emergencies and conditions under which emergency purchases may be made.

Sec. 51. Purchases to be Made from Department of Public Welfare: So far as practicable, the State Purchasing Agent shall make all purchases from the Department of Public Welfare in the exercise of its functions in the management of institutions, and require the purchasing agencies of individual departments so to do.

Sec. 52. Inspection of Deliveries and Reporting Receipts: The State Purchasing Agent shall provide through the agency of the departments supplied or otherwise, for inspection of all purchases, and for rejection of any that are not in conformity with specifications. A form of receiving report shall be provided for use in certification by spending agencies of the receipt of commodities and services and as to the quantity and quality delivered.

Sec. 53. Contracts: So far as practicable all supplies, materials, equipment, and contractual services shall be secured by written contract, awarded on competitive bids.

Sec. 54. Bureau of Personnel Administration: The Department of Finance through the Bureau of Personnel Administration shall exercise general supervision over the employment policies and working conditions of the State service and administer the personnel provisions of this Act, including those for the classification of positions and the development and administration of a consistent compensation plan, the allocation of positions to their appropriate classes, the authorization of new positions, the testing of applicants for appointment, and the approval of appointments, transfers, and other employment transactions. The head of the bureau shall examine into the working conditions in the State service

as they affect the health, welfare, efficiency, and service of the employees. He shall be accessible to any employee who shall desire to complain regarding any condition incident to his employment. He shall formulate rules and regulations to govern the selection, appointment, compensation, and attendance and absence of employees, the preparation of payrolls, and the keeping of personnel records, which shall become effective on approval by the Board of Finance.

Sec. 55. Head of the Bureau: The head of the Bureau of Personnel Administration shall be the Director of Personnel, appointed as herein provided. The qualifications for such appointment shall include graduation in business administration from an institution of recognized standing, and five years of experience in personnel administration, investigation, and research in large public or private enterprises, or any equivalent combination of education and experience as determined by the Board of Finance.

Sec. 56. Merit and Fitness to Govern Employment: All appointments and promotions to offices and positions in the administrative departments of the State and all measures for the control and regulation of employment therein, shall be on the basis of merit and fitness, with the sole view of maintaining and improving the efficiency of the service with fairness and equity both to the employees and to the taxpayers.

Sec. 57. Classification of Positions: The Director of Personnel shall prepare a classification plan for the service of the State, based on the duties and responsibilities actually pertaining to the several positions, and providing for the inclusion in the same class of all positions in whatever departments of offices located, which are sufficiently alike in their duties, responsibilities, and qualification requirements, reasonably to justify common treatment in appointment, compensation, and other employment processes, and for inclusion in separate classes of positions that are not so alike.

Sec. 58. Titles of Classes: Each class so provided shall be given a standard title, which shall become also the official title of every position that may be included in the class, and as

such shall be used to the exclusion of all others on all payrolls, budget estimates, and official records, and reports pertaining to the position.

Sec. 59. Specifications of Classes: Each class shall be defined in written specifications describing the nature of the duties of positions properly pertaining to the class, with specific examples where desirable, and the minimum qualifications that, from the nature of the duties, should be requisite for entrance to a position of the class, together with the principal or natural lines of promotion.

Sec. 60. Allocation of Positions and Classes: Each position in the service of the State shall be allocated by the Director of Personnel to its appropriate class under the classification plan so provided after consultation with the appointing officers concerned, and no person shall be appointed, employed, or paid under any title other than that of the class to which the position occupied is so allocated.

Sec. 61. Revision of Classification Plan and Allocations: The Director of Personnel shall, from time to time, review the duties and responsibilities of the positions making up the State service, and may amend the classification plan by adding, combining, dividing, or abolishing classes, or revising the titles or specifications of existing classes, and may reallocate positions from class to class and allocate new positions to their appropriate classes under the same conditions as prescribed for original allocations hereunder. Whenever the duties of a position are so changed as to make the position in effect of a different class from that to which it has been allocated, such change of duties shall be considered tantamount to the abolishing of the position as it formerly existed and the creation of a new position of such different class.

Sec. 62. Compensation Plan: Except as provided by the Constitution, the compensation of all positions in the service of the State shall be determined with reference to a compensation plan comprising a rate or scale of rates for each class of positions provided for in the classification plan. Where a scale of rates is provided in lieu of a single rate, it shall consist of a minimum rate, a maximum rate, and one or more intermediate rates. Appointment to posi-

tions of the class shall be at the minimum rate and successive advancements from rate to rate within the scale may be made after such periods of service and on such proofs or merit as the rules adopted hereunder may provide. No person shall be paid any compensation in excess of the rate, or the maximum rate of the scale, for the class of the position occupied. The Director of Personnel shall, in the first instance, prepare the proposed compensation plan for approval by the Commissioner of Finance and Board of Finance, and may likewise propose amendments to the compensation plan as they seem to be justified.

The Commissioner of Finance shall certify such compensation plan and amendments to the Governor for his approval and recommendation to the Legislature. Upon acceptance by the Legislature, either by formal adoption or by passage of appropriations based on the rates provided therein, such compensation plan and any changes therein shall be deemed effective.

Sec. 63. Fitness Tests: Appointments and promotions to positions in the administrative departments, except as otherwise provided herein, shall be made on the basis of competitive tests of fitness whenever there are two or more applicants eligible to compete therefor. Fitness tests shall be practical in character. They may consist of oral or written answers to questions, practical tests in the performance of tasks pertaining to positions of the class, consideration of past education and experience or particular accomplishments in the field of work, or any combination of these or other elements designed fairly to measure the relative fitness of applications to discharge the duties of positions of the class sought. No question in any fitness test shall relate to political or religious opinions, affiliations, or service.

Sec. 64. Promotions: Whenever there are employees of lower ranks eligible and willing to compete therefor, vacancies in the administrative service shall be filled by promotion. Any advancement from a position of one class to a position of another class with a higher maximum rate of compensation shall constitute a promotion. Promotions shall be made through competitive tests open to all persons serving in offices or positions

of lower rank in the service who have the necessary qualifications, in the same manner as original appointments. If qualified applicants cannot be secured through such tests for promotion, then open competitive tests may be held.

Sec. 65. Indefinite Tenure: All appointments, whether original appointments or promotions, except as provided by the Constitution, shall be without definite term, unless for temporary service not to exceed ninety days under the next section hereof, but positions may be abolished and their incumbents be transferred to other positions of the same class or be laid off, when service in such offices or positions is not longer needed.

Sec. 66. Temporary Appointments: Temporary appointments may be of any of three kinds:

(a) Provisional appointments, for service in regular positions expected to last for ninety days or longer, pending the regular filling of the positions through competitive fitness tests or by transfer or reinstatement.

(b) Transitory appointments, for work expected to last for less than ninety days.

(c) Emergency appointments, for not to exceed thirty days during which other provisions for filling the vacant positions can be made.

Temporary appointments may be made with the prior approval of the Director of Personnel, without competitive tests, upon such evidence of fitness as the Director may require, but emergency appointments may be made without such prior approval, provided that immediate reports be made of the emergencies justifying such appointments. In no event shall any temporary employment be permitted to continue longer than ninety days, nor shall the same individual be reappointed for a second period of temporary service in the same vacancy, or have his temporary appointment renewed therein. No credit shall be given in any fitness test for experience gained under temporary appointment.

Sec. 67. Evidence of Qualifications: Whenever an appointment is to be made under the provisions of this Act, a statement of the qualifications and experience of each candidate certified as qualified, nominated for appointment or whose name is sub-

mitted for confirmation or approval of appointment shall accompany such certificate, nomination, or submission, and shall be made a matter of record. In connection with each appointment submitted to the Senate for confirmation, such statements for all candidates certified as qualified shall accompany the appointed as submitted, and all such statements shall be spread upon the records of the Senate and shall be published in the Senate Journal.

Sec. 68. Transfers: Any officer or employe in the administrative service may be transferred from the position that he holds to any other position of the same class or of any other class for which no additional or different tests of fitness are required, in the same or a different department, with the consent of the appointing officer concerned in the case of each position and with the prior authorization of the Director of Personnel.

Sec. 69. Reinstatement: Any former officer or employe who was separated from the administrative service without delinquency or misconduct on his part, from a position for which competitive tests are required hereunder, may be reinstated within one year to a position of the same class with the approval of the Director of Personnel. Approved applicants for reinstatement shall be entitled to employment in vacancies in positions of the same class occurring within a period of one year after their separation, in preference to all other persons.

Sec. 70. Attendance and Absence: The rules hereunder shall provide for the hours of service that shall constitute a day's work and a week's work, for full-time service. Provision shall be made for records and reports of attendance and absence as a basis for approval of leaves of absence by the Director of Personnel, and for the preparation and audit of payrolls. The rules shall specify the holidays on which absence from duty with pay may be permitted and the conditions under which leaves of absence may be granted with or without pay, and the extent of such leaves, for vacation, for illness, and for other causes. All absences from duty during working hours except on prescribed holidays, shall be without pay, unless covered by authorized

leaves of absence with pay, and if without authorized leaves of absence, with or without pay, may in addition be made ground for disciplinary action.

Sec. 71. Extent of Service Required: Each person holding any office or employment in the administrative service of the State shall be required to engage in the actual work of the office or employment so held to such extent as his services may be required for the complete discharge of the duties of such office or employment and a failure so to do shall be a ground for removal. Where less than full-time employment is required in any position, such position may be authorized and compensation therein be paid, on a part-time basis. When the periods of service rendered by any officer or employe aggregate less than the time required to constitute full-time employment, after allowance has been made for holidays and authorized leaves of absence, such service shall be compensated as part-time employment, in any event, in the proportion that the hours of service rendered bear to those required for full-time employment.

Sec. 72. Reports of Service Changes and Approval Thereof: Every appointing officer shall report promptly to the Director of Personnel every appointment, each new position created, and every promotion, transfer, lay-off, material change of duties, increase in pay, leave of absence, or other change affecting the payroll. Such changes shall be authorized only upon approval by the Director of Personnel. A copy of each such report as approved by the Director shall be transmitted to the Comptroller. No person shall be employed or paid in any position, except to fill a vacant position previously authorized and the compensation for which is provided for in the current budget and allotments thereunder, until the creation of the position has been approved by the Director of Personnel and an allotment therefor under the current budget has been made, and until the class of such position and the appropriate rate of pay under the compensation plan in effect has been established by the Director of Personnel.

Sec. 73. Certification of Payrolls: The Comptroller shall not approve any payroll nor issue a warrant or

draft for the payment of any salary or compensation to any person holding, or claiming to hold, a position in the State service, except after audit under his authority to determine that the persons named therein are legally occupying duly authorized positions and have performed service therein as claimed, in accordance with the provisions of law and the rules established hereunder, and that they are entitled to compensation at the rates, for the periods, and in the amounts, covered by such payroll.

Sec. 74. Payment of Compensation: All compensation under the rates established as provided herein shall be in full payment for all duties and services performed for the State. No person shall hold more than one office or position under the State Government or receive more than one salary from the State.

In addition to his salary or other compensation prescribed by law, each officer and employe and member of any board or commission shall be entitled to his actual and necessary expenses incurred in the performance of his official duties.

Sec. 75. Favoritism in Contracts Forbidden: No officer or employe of the State shall aid or assist a bidder in securing a contract at any higher prices or rates than those proposed by other bidders, or shall favor one bidder over another by giving or withholding information or otherwise, or shall wilfully mislead any bidder in regard to the character of the services, materials, or supplies called for, or shall knowingly accept services, work, materials, or supplies of a quality inferior to that called for by the contract or order therefor, or shall knowingly certify to a greater amount or higher quality of goods received or services performed than has actually been received or performed.

Sec. 76. Personal Interest of Officers and Employes in Transactions with the State: No officer or employe of the State, or relative within the second degree of affinity or consanguinity, or business associate, or any of them, shall have a financial interest, direct or indirect, in any contract with the State, or be financially interested, directly or indirectly, in the sale to the State, or the purchase from the State, of any real or personal property or services, except on

behalf of the State. Any violation of this Section, with the knowledge, expressed or implied, of the person dealing with the State, shall render the contract or sale voidable by the Board of Finance on recommendation of the Commissioner of Finance. It shall not be deemed a violation of this provision if the officer or employe of the State concerned shall place on record with the Comptroller the nature and extent of his interest therein or connection therewith, and shall abstain from doing any act, official or otherwise, in relation thereto.

Sec. 77. Fraud on Merit Provisions: No person shall wilfully or corruptly make any false statement, certificate, mark, grading, or report, in connection with or in regard to any test or appointment held or made under the provisions of this Act or any rules adopted hereunder, or in any manner commit or attempt to commit any fraud on the impartial execution of any such provision.

Sec. 78. Gifts or Payments by Applicants Forbidden: No applicant for appointment to the administrative service shall, either directly or indirectly, give, render, or pay, or promise to give, render, or pay, any money, service, or other valuable thing to any person for or on account of, or in connection with, his test, appointment, or proposed appointment, nor shall he ask for or receive any recommendation or assistance from any person in the service of the State other than a statement regarding his character and personal fitness for the employment sought.

Sec. 79. Promise of Public Office Prohibited: No person holding or seeking any office or employment under the State shall use or promise to use, directly, or indirectly, any official authority or influence, possessed or anticipated, to confer upon any person or to secure or aid any person in securing, any office or employment in any position, or any promotion, increase of salary, contract, or other preferment, upon the consideration, condition, or understanding that the vote, influence, or action of such person shall be given or used in behalf of any candidate, officer, or party, or upon any other consideration or condition.

Sec. 80. Political or Religious Favoritism or Coercion Prohibited: No

person shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations, or for withholding or neglecting to make any contribution of money or service or any valuable thing for any political purpose. No person about to be appointed to any position in the service of the State shall be asked or required to sign or execute a resignation, dated or undated, in advance of such appointment. No person in the service of the State shall use his official authority to influence or coerce the political action of any person or body, or to interfere with any nomination or election to public office.

Sec. 81. Political Assessments Prohibited: No person in the administrative service of the State shall directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or purpose whatever. No person shall orally or by letter solicit, or be in any manner concerned in soliciting, any assessment, subscription, or contribution for any political party or purpose from any person holding a position in the administrative service.

Sec. 82. Political Activity Prohibited: No person in the administrative service of the State shall act as an officer of a political organization, serve as a member of a committee of any such organization, or circulate or seek signatures to any petition provided for by the primary or election laws, act as a worker in favor of or in opposition to any candidate for public office, or take any other part in political management or political campaigns other than to cast his vote and to express privately his opinions.

Sec. 83. Bonds: Any officer or employe, whose duties involve the handling or custody of money or other public property, may be required to furnish bond in such reasonable amount as the Comptroller may require, with sureties satisfactory to the Board of Finance, conditioned on the faithful performance of his duties. Each such bond shall be approved by the Attorney General and shall be payable to the State Treasurer for the benefit of the State.

The premiums of any such bond undertaken by a surety company shall be paid by the State under appropriations made by law and available therefor. Bond for Board Members shall be \$20,000.

Sec. 84. The provisions of Article 601, Revised Civil Statutes of 1925, are hereby repealed.

Article VIII. Department of Buildings and Grounds:

Section 1. Functions: The functions of the Department of Buildings and Grounds shall comprise the custodial care, management, maintenance, improvement, and operation of all buildings and grounds owned or leased by the State for the use of any department or other agency of the State, including historical sites and monuments and the State Cemetery, but not including the buildings and grounds of any educational, eleemosynary, or other institution, or any lands and buildings maintained by any department or other agency for its exclusive use in the course of its regular operations, other than for its headquarters offices at the seat of government, and not including the allotment of space in the halls, chambers, and committee rooms of the State Capitol Building when the Legislature is in session.

All functions heretofore vested in the Board of Control in relation to the custody, care, management, maintenance, and operation of public buildings and grounds and leased premises; in the San Jacinto Park Commissioners, the Gonzales State Park Commissioners, the Washington State Park Commission, the Goliad State Park Commissioners, the Fannin State Park Board, the King's Memorial Park Commission, and the Board of Mansion Supervisors, and all functions of the Texas Historical Board and the Texas Library and Historical Commission in relation to the marking, improvement, and care of historic sites and monuments, are hereby vested in the Department of Buildings and Grounds, except as herein otherwise provided.

The department shall provide for the necessary cleaning and repairing of buildings and their equipment in its care, the upkeep of the lawns and grounds including sidewalks, roads, and paths; the cultivation of gardens

and flower beds and the operation of hothouses; the operation of elevators; and the services of all porters, watchmen, guards, and guides. It shall have charge of, and be held responsible for, all equipment, furnishings, portraits and pictures in all public rooms and corridors, and in the rotunda of the Capitol. It shall have power and authority to allocate space in the buildings in its custody in the various departments according to their several needs and the space available; and to lease and allocate space for the housing of departments or agencies that cannot be so accommodated, when funds are made available for this purpose.

Sec. 2. Head of the Department: The head of the Department of Buildings and Grounds shall be the Superintendent of Buildings and Grounds, who shall be appointed by the Governor by and with the advice and consent of the Senate. He shall be qualified by high school education supplemented by a business course and eight years of responsible experience in the management of buildings and grounds on a large scale, or any equivalent combination of education and experience as determined by the Governor and approved by the Senate.

Article IX. Department of Education.

Section 1. Functions: The functions of the Department of Education shall include the conduct of all activities of the State in relation to education, both those that have to do with the public school system and those that involve the conduct of institutions of higher education.

Sec. 2. Organization of the Department: The Department of Education shall consist of the State Board of Education, the Bureau of Public Schools, and the Bureau of Higher Education. The State Board of Education shall be the head of the Department for the determination of the policies of the Department and for co-ordinating the activities of the two Bureaus, but the Commissioner of Education and the Chancellor of Higher Education, hereinafter provided for, shall severally be deemed the head of the Department for the administration of the affairs of the Bureau of Public Schools and the Bureau of

Higher Education, respectively, under the policies so determined and the rules established by the Board, hereunder.

Sec. 3. State Board of Education: The members of the existing State Board of Education shall continue in office as members of the State Board of Education herein provided until the expiration of the respective terms for which they were appointed, or until their offices are otherwise vacated, but their successors shall be appointed under the terms of this Act. The functions of the State Board of Education shall include, among the functions herein provided for boards and commissions of the several departments, the approval of apportionments of the Public School Fund, and of investments of the Permanent School Fund directing such investments to be made as provided by the Constitution, and the approval of textbook selections. It is hereby designated as the official agency of the State to co-operate with the board of vocational education and board for vocational rehabilitation of the Government of the United States.

Sec. 4. Textbook Committees: The Board shall appoint textbook committees from time to time as needed, made up of members of the staffs of the institutions of higher education and of the public school system, nominated respectively by the Chancellor and the Commissioner, who shall recommend the adoption and discontinuance of textbooks for the public school system. Such recommendations shall be presented to the Board by the Commissioner of Education with his comments. The Board shall have power to reject such recommendations but no power to make substitutions.

Sec. 5. The Commissioner of Education and the Chancellor of Higher Education: The heads of the Bureau of Public Schools and the Bureau of Higher Education shall be a Commissioner of Education and a Chancellor of Higher Education, respectively, who shall be appointed by two-thirds vote of the Board of Education, on the sole basis of their experience, demonstrated administrative capacity, and professional attainments as educators, high character, and sound judgment. They shall serve during good behavior and may

be removed for cause by two-thirds vote of the Board of Education, after opportunity to be heard before the Board. They shall be responsible for the direction and control of their respective bureaus and the administration of all their affairs in accordance with law and the rules of the Department as approved by the Board hereunder. The Superintendent of Public Instruction in office when this Act takes effect shall continue as Commissioner of Education under the provisions of this Act, until the expiration of the term for which he was elected, or until his office is otherwise vacated, but his successor shall be appointed in the manner provided by this Act.

Sec. 6. Bureau of Public Schools: The functions of the Bureau of Public Schools shall include all functions in relation to the Public Schools heretofore vested in the State Board of Education, and the State Superintendent of Public Instruction, except as herein otherwise provided, together with those of the Governor and the compact commissioner to negotiate a contract with the State of New Mexico with respect to combining school districts adjoining the Texas-New Mexico State line, as provided in Chapter 251 of the Acts of the Forty-second Legislature. The Commissioner, with the approval of the Board, may appoint a Deputy Commissioner of Education.

Sec. 7. Organization of the Bureau: The Bureau of Public Schools as first organized shall include divisions of administration, textbooks, certification, elementary education, secondary education, vocational education, school plants, and research and accounts, which shall continue to exercise the functions heretofore exercised by the divisions of corresponding title under the Superintendent of Public Instruction until changes therein are made by the Commissioner of Education, except as otherwise provided herein, and such other functions as the Commissioner may provide.

The functions of the Division of Certification shall include the functions heretofore vested in the Board of Examiners, under the provisions of Chapter 17 of Title 49 of the Revised Civil Statutes of 1925. All certificates to teach shall hereafter be

granted by the Commissioner of Education through the Division of Certificates under such procedures and according to such standards as may be provided by the rules of the Department adopted hereunder.

The functions of the Division of Elementary Education shall include the functions heretofore exercised by the Superintendent of Public Instruction through the existing Division of Rural Education and in the supervision of elementary schools for negroes, which shall be extended to the supervision of the work of elementary public schools throughout the State.

The functions of the Divisions of Secondary Education shall include the functions heretofore exercised by the Superintendent of Public Instruction through the existing Division of High School Supervision and in the supervision of high schools for negroes. The work of grading college entrance examination papers shall be discontinued.

The Division of Research and Accounts, among its other duties, shall undertake studies to develop a practical plan of State aid to the public schools, based upon the principle of equalization of educational opportunity.

Sec. 8. Bureau of Higher Education: The Bureau of Higher Education shall include a headquarters organization and the institutions of higher education of the State. All functions heretofore vested in such institutions, and in the separate boards of regents of the The University of Texas, the College of Industrial Arts, and the State Teachers Colleges; in the separate boards of directors of the Agricultural and Mechanical College of Texas, the Texas College of Arts and Industries, and the Texas Technological College; in the local board of managers of the North Texas Junior Agricultural College; and in the advisory committee of the School of Mines and Metallurgy of the The University of Texas, are hereby transferred to and vested in the Bureau of Higher Education.

The Chancellor of Higher Education, as the head of the Bureau of Higher Education, shall be fully empowered, with the advice of the heads of the several institutions, to formu-

late policies and plans of administration for such institutions and upon approval of the State Board of Education, to carry them into effect. The functions of the existing Division of Research and Accounts under the Superintendent of Public Instruction and the State Board of Education in relation to institutions of higher learning, and the functions of the State Board of Control in relation to improvements and repair and design and construction of buildings so far as they relate to buildings for the institutions of higher education, shall be transferred to and vested in the Bureau of Higher Education. The headquarters organization of the Bureau of Higher Education shall consist of such specialists in education and other technical branches and assistants and clerical workers as may be necessary and as may be provided for by appropriation. The Chancellor shall organize the Bureau into such divisions as he may deem most appropriate for the conduct of the work, subject to the approval of the State Board of Education.

Sec. 9. Other Changes Affecting The University of Texas: The Texas State Library, as now existing, except the legislative reference section, and the library of The University of Texas, are hereby consolidated under the name and title of the Texas State Library, which shall be housed in the quarters provided for the library of The University of Texas and operate as a branch of that institution. The head of the Texas State Library shall be the Texas State Librarian, who shall be appointed under the provisions of this Act.

All functions of the Texas Historical Board and of the Texas Library and Historical Commission, except as otherwise provided herein, are hereby transferred to and vested in the Bureau of Higher Education to be exercised through the Texas State Library as herein provided.

All functions heretofore vested in the State Board of Library Examiners shall be transferred to and vested in the Texas State Library as herein constituted. The examining and licensing of county library workers shall be provided for through the staff of this library under the direction of the Texas State Librarian un-

der such rules as may be established hereunder.

All functions heretofore vested in the State Board of Public Accountancy under Title 2 of the Revised Civil Statutes of 1925 are hereby transferred to The University of Texas and provisions shall be made for the examining and licensing of public accountants as a function of the regular instruction staff in accounting and business administration under the direction of the head of that department of the University and under such rules as may be established under the provisions of this Act.

Sec. 10. Certain Changes Affecting the Agricultural and Mechanical College of Texas: All functions heretofore vested in the State Board of Veterinary Medical Examiners shall be transferred to the Agricultural and Mechanical College to be exercised through the regular staff of the school of veterinary medicine under such rules as may be established hereunder.

The functions heretofore vested in the Board of Examiners of Land Surveyors shall be transferred to the Agricultural and Mechanical College to be exercised under such rules as may be established hereunder.

Article X. Department of Public Welfare.

Section 1. Functions: The Department of Public Welfare shall have and exercise all functions of the State Government in relation to the conduct and management of institutions other than institutions of higher education, and its problems of social welfare, dependency, and delinquency, including such functions as the care, custody, treatment, and relief of the sick, the dependent, the defective, and the delinquent, as may be consistent with the purpose herein defined and not otherwise contrary to law. Except as otherwise herein provided, all such functions heretofore vested in the State Board of Control; the State Health Officer in relation to the State Tuberculosis Sanatorium; the Texas Prison Board; the Board of Pardons and Paroles, and the Governor in relation to paroles; the Alabama and Coushatta Indian Agency; the Division of Vocational Rehabilitation of the State Board of Education; the Com-

mission for the Blind; the State Service Office of the Adjutant General's Department; and the Comptroller of Public Accounts and county judges in regard to handling, verifying, and certifying claims on the Confederate Pension Fund; the Anti-Cancer and Pellagra Commission of Texas; the State Bureau of Child and Animal Protection; and the Advisory Board of the Colored Girls' Training School are hereby transferred to and vested in the Department of Public Welfare.

Sec. 2. Head of the Department: The head of the Department shall be the Commissioner of Public Welfare, who shall be appointed as herein provided, on the basis of his qualifications for the management of public welfare activities and institutions and his record of actual achievement as a practical administrator in the field. He shall be a graduate of a recognized college or university and have at least eight years of experience in the management of institutions and related welfare activities.

Sec. 3. Organization of the Department: The Department shall consist of the Board of Public Welfare, and, as first organized hereunder, the bureaus of social service, mental hygiene, corrections, plant and equipment, industries and farms, and administration. There shall be included under the direction and control of the Department the Austin, Rusk, San Antonio, Terrell, and Wichita Falls State Hospitals for the insane; the Austin State Hospital Dairy; the Galveston State Psychopathic Hospital; the Abilene State Hospital for Epileptics; the Austin State School for the feeble-minded; the State Hospital for Crippled and Deformed Children; the State Orphan Home; the State Home for Dependent and Neglected Children; the Colored Orphan Asylum; the Deaf, Dumb, and Blind Asylum for Colored Youths and Colored Orphans; the Texas School for the Blind; the Deaf and Dumb Asylum; the State Juvenile Training School; the Girls' Training School; the State Confederate Home; the Confederate Woman's Home; the Prison System of Texas.

Sec. 4. Board of Public Welfare: The Board of Public Welfare shall consist of six members, appointed as herein provided, two each two years, for six-year terms, after the Board is

first constituted. At least one member of the Board, at all times, shall be a woman. The Board as first constituted hereunder shall consist of twelve members. The members of the Texas Prison Board and the Board of Pardons and Paroles in office when this Act takes effect shall be continued in office as members of the Board of Public Welfare herein provided until their respective terms expire or their offices are otherwise vacated. But their successors shall be appointed under the provisions of this Act. As the terms expire of the members of the Board as first constituted, two members shall be appointed hereunder to take the place of the four members whose terms expire in each second year, until the membership has been reduced to six as herein provided.

Among the functions of the Board of Public Welfare as elsewhere provided herein, the Board shall act as a board to pass upon the classification of inmates and as a board of parole, on the basis of cases prepared under the direction of the Commissioner, with full data, and presented by him. It shall have full authority to grant and revoke all paroles in connection with the State institutions.

Sec. 5. Bureau of Social Service: The Bureau of Social Service shall be responsible for all matters of case investigations and reports, and of parole supervision and social adjustments of wards and potential wards of the State in and out of institutions, including vocational placement and home-finding in cases that have not reached the institutions. It shall make such field investigations and case studies as are necessary, and handle other field work, in connection with collections from relatives of inmates and in deportation cases. The functions of the existing Bureau of Child Welfare shall be assigned to this Bureau. The head of the Bureau of Social Welfare shall be qualified by educational training in the social sciences, and by experience of at least five years in the direction of organized social welfare work.

Sec. 6. Bureau of Mental Hygiene: The Bureau of Mental Hygiene shall provide for carrying out the State's general program for the prevention and treatment of mental diseases and mental deficiencies in and out of institutions, for public education in

mental hygiene, and for the conduct of out-patient clinics and other preventive work, including commitment, diagnosis, classification, care, and treatment from the medical and psychiatric standpoints in prisons and other institutions as well as hospitals for the insane and mentally deficient. The head of this Bureau shall be a physician, who shall have had eight years of experience in the practice of his profession, of which five years shall have been in a responsible capacity in the care and treatment of persons afflicted with mental diseases in an institution for their care and treatment.

Sec. 7. Bureau of Corrections: The Bureau of Corrections shall be responsible for all matters having to do with the effect of the State's penal laws and procedure upon the State's prison population, and shall consider all matters of possible improvement therein, and the administration of the prisons from the standpoint of better solving of the problems of rehabilitation of the criminal. It shall be responsible for the classification, assignment, parole, care, and treatment, other than medical and psychiatric, of all violators of the penal laws in and out of prisons and reformatories. The head of this Bureau shall be qualified by not less than five years of responsible experience in prison administration.

Sec. 8. Bureau of Plant and Equipment: The Bureau of Plant and Equipment shall provide technical staff services in the planning of construction to meet the physical needs of the institutions, and supervision of the mechanical plant operations. The head of the Bureau shall be a qualified construction engineer, or architect, with not less than five years of experience in planning and supervising building construction.

Sec. 9. Bureau of Industries and Farms: The Bureau of Industries and Farms shall act as a central planning, managing, and directing office for the State-use industries at the prisons, and the business aspects of the occupational therapy departments of other institutions, and for planning and co-ordinating the operation of the several farms. The head of the Bureau shall be a qualified industrial engineer, or business executive, with not less than eight years of responsible experience in such capacity.

Sec. 10. Bureau of Administration: The Bureau of Administration, through specially equipped employes, shall supply general office services for the Department, central accounting and statistical services, prosecution of collections from relatives and estates for the support of inmates through the field workers of the Bureau of Social Service, and specialized staff services and control over such matters as food, service, supplies, and housekeeping arrangements at the different institutions.

Sec. 11. Commitments and Classifications: All sentences and commitments to institutions heretofore or hereafter made shall be construed as commitments to the custody of the Department of Public Welfare and not to that of any specified institution or group of institutions. The Department of Public Welfare, with the approval of the Board of Public Welfare, shall have power to transfer any inmate from one institution to another, and to grant furloughs and paroles under the supervision of the Department, under such restrictions and limitations as may be provided by law and the rules of the Department. Each inmate, while under such supervision, shall be deemed to be under the custody and control of the Department and subject to recall and assignment to any institution thereof, and nothing in any such act of granting any furlough or parole shall be regarded as affecting in any way any sentence or commitment lawfully imposed, or as involving any exercise of clemency.

Article XI. Department of Public Health.

Section 1. Functions: The State Department of Health as heretofore constituted is hereby continued as the Department of Public Health, except as provided herein. All functions heretofore vested in the State Department of Health, the State Board of Health, and the State Health Officer shall be vested therein, to be exercised as herein provided, together with all other administrative functions of the State in relation to the public health, sanitation, and the prevention and control of communicable diseases, except as otherwise provided herein.

Sec. 2. Head of the Department: The head of the Department of Public Health shall be the Commissioner of Public Health, who shall be appointed as provided herein. He shall be a graduate of a recognized school of medicine, licensed to practice medicine in the State, with specialized training and experience of not less than eight years in public health administration. The State Health Officer in office at the time this Act takes effect shall continue as the Commissioner of Health under the provisions of this Act until the expiration of the term for which he was appointed, but his successor shall be appointed in accordance with the provisions of this Act.

Sec. 3. Organization of the Department: The Department of Public Health shall consist of the Board of Public Health and the bureaus in the State Department of Health, as heretofore existing, except as herein provided.

Sec. 4. The Board of Public Health: The Board of Public Health shall consist of three members, of whom one shall be appointed every two years for a term of six years after the Board is first constituted, in the manner herein provided. The Board as first constituted hereunder shall consist of six members. The members of the State Board of Health in office when this Act goes into effect shall continue as members of the Board of Public Health herein provided, until the expiration of the respective terms for which they were appointed. But their successors shall be appointed under the provisions of this Act. Every second year as the terms of two members of the Board as first constituted expire, one new member shall be appointed hereunder to take their place until all members have been appointed hereunder. The Board of Public Health shall have in relation to the Department of Public Health the functions provided herein for boards and commissions of the several departments.

Sec. 5. Bureau of Food and Drugs: All functions heretofore vested in the Comptroller of Public Accounts in relation to permits to sell or transport intoxicating liquors, under Title 80, of the Revised Civil Statutes of 1925, are hereby transferred to and vested in the Department of Public Health,

and shall be combined with the functions of foods and drugs inspection in the Bureau of Food and Drugs. It shall be the policy of the Department to provide, so far as practicable, for the exercise of its functions assigned to the Bureau of Food and Drugs through the promotion and stimulation of direct inspection and control by municipal and county agencies, and the supervision of the work of such agencies, rather than by direct inspection.

Sec. 6. Bureau of Licensing: There shall be in the Department of Public Health a Bureau of Licensing to which shall be assigned all functions having to do with testing and licensing for occupations where public health considerations are involved, and regulatory inspections in connection therewith. All functions heretofore vested in the Board of Nurse Examiners, the State Board of Barber Examiners, the State Board of Chiropody Examiners, the State Board of Dental Examiners, the State Board of Embalming, the State Board of Pharmacy, the State Board of Examiners of Optometry, and the State Board of Medical Examiners, are hereby transferred to and vested in the Department of Public Health, to be organized and provided for through the Bureau of Licensing. Centralization of the records and the testing and field inspection work shall be provided. There shall be provided a staff qualified to specialize in testing techniques and, with the advice and co-operation of members of the several professions and occupations involved, to devise and apply the most effective tests and testing procedures that it is practicable to devise. An integrated field force to cover the State shall be provided to make inspections covering all of the occupations subject to license by the Bureau, which shall co-operate with the field forces of the other bureaus of the Department. The head of the Bureau of Licensing shall not be affiliated with any college or school of medicine, pharmacy, dentistry, nursing, optometry, chiropody, the barber trade, or embalming, either as teacher, officer, or stockholder.

Sec. 7. Bureau of Hygienic Laboratories: All functions heretofore vested in the Austin State Hospital in relation to treatments for hydro-

phobia are hereby transferred to and vested in the Department of Health to be exercised through the Bureau of Hygienic Laboratories of that Department.

Sec. 8. Bureau of Vital Statistics: The Department of Public Health is hereby authorized to enter into a co-operative agreement with the United States Bureau of the Census for the furnishing of copies of all birth and death certificates on file with the Bureau of Vital Statistics.

Article XII. Department of Public Safety.

Section 1. Functions: All functions heretofore vested in and performed by the Texas Rangers, the Highway Patrol, and the Fire Insurance Commissioner as State Fire Marshal are hereby transferred to and vested in the Department of Public Safety, except as otherwise herein provided. The Department shall have power, and is charged with the duty:

1. To preserve the public peace, and enforce the criminal laws of the State.

2. To assist the Governor in the administration and enforcement of the laws of the State in such manner, at such times, and in such places, as the Governor may from time to time request.

3. To assist any administrative agency of the State to enforce the laws appertaining to the functions of such agency. Members of the patrol forces so far as practicable in the course of their regular duties shall take notice of all matters requiring permits or otherwise calling for action by any other agencies of the State, and give notice to the agencies having the matters in charge.

4. Whenever possible, to co-operate with counties and municipalities in the detection of crime, the apprehension of criminals, and the preservation of law and order throughout the State.

5. To collect and classify, and keep at all times available, complete information useful for the detection of crime, and for the identification and apprehension of criminals. Such information shall be available to all police officers within the State, under

such rules as may be prescribed hereunder.

6. To confer upon employes of the Department the power to make arrests, without warrant, for all violations of the law, which they may witness; to search without warrant any boat, conveyance, vehicle, or receptacle, when there is probable cause to believe that any law has been violated; and to serve and execute warrants, subpoenas, and other processes lawfully issued; and all other powers conferred by law upon members of the police forces of cities of the first class, and upon constables of the State.

Sec. 2. Head of the Department: The head of the Department of Public Safety shall be the Commissioner of Public Safety, who shall be appointed as herein provided on the basis of his character and his administrative experience and ability, and his ability to exercise command over the organized patrol forces.

Sec. 3. Organization of the Department: The organization of the Department shall consist of a Bureau of Administration, and the Bureau of State Police, the Texas Rangers, and Fire Prevention, with their organized patrol forces. The Commissioner of Public Safety may appoint a Deputy Commissioner of Public Safety who shall be the head of the Bureau of Administration and who also shall serve as inspector of the patrol forces of the other bureaus. The Commissioner shall provide, through the Bureau of Administration, for the administrative processes of the Department as a whole, for criminal identification and records, and for criminal investigation by means of field investigations and a crime laboratory.

The head of the Bureau of Fire Prevention shall be the State Fire Marshal who shall be qualified by experience in fire prevention and the investigation of causes of fires. The heads of the bureau of State Police, and of the Texas Rangers shall be the Superintendent of State Police, and the Superintendent of Texas Rangers, respectively, who shall be qualified by training and experience in police work to exercise command over their respective patrol forces.

Article XIII. Department of Militia.

Section 1. Functions: All functions heretofore vested in and exercised by the Adjutant General in relation to the National Guard are hereby transferred to and vested in the Department of Militia, except as otherwise provided herein.

Sec. 2. Head of Department: The head of the Department of Militia shall be the Adjutant General, who shall be appointed by the Governor in the manner provided herein from among those officers of the National Guard holding commissions of the rank of major or above. The Adjutant General in office when this Act takes effect shall continue as such until the expiration of the term of office for which he was appointed, or until the office is otherwise vacated, but his successor shall be appointed under the provisions of this Act.

Sec. 3. National Guard Officers: Appointments, retirements, and discharges of National Guard officers shall be ordered by the Governor under Articles 5805, 5809, and 5810, of the Revised Civil Statutes of 1925, on the recommendations of the Adjutant General based on reports of examinations and findings made to him by boards of officers appointed by him, and transmitted with his recommendations thereon to the Governor.

Article XIV. The Department of Labor:

Section 1. Functions: All functions heretofore vested in the Bureau of Labor Statistics and the Commissioner of Labor Statistics, the Industrial Accident Board, the Industrial Commission, the State Mining Board, and the State Mining Inspector are hereby transferred to and vested in the Department of Labor, except as otherwise provided herein.

Sec. 2. Head of the Department: The head of the Department of Labor shall be the Commissioner of Labor, who shall be appointed by the Governor in the manner herein provided. He shall be trained and experienced as an executive in business management involving industrial relations and welfare of employes.

Sec. 3. Organization of the Department: The Department shall

comprise an Industrial Commission and such bureaus as may from time to time be established in accordance with this Act. As first organized the Department shall include the Bureaus of Labor Statistics, Factory Inspection, Mine Inspection, Industrial Safety and Hygiene, Workmen's Compensation, and Employment. The Commissioner shall provide for the division of the functions hereby vested in the Department among the several bureaus.

Sec. 4. Industrial Commission: The Industrial Commission shall consist of three members appointed by the Governor, in accordance with this Act, one every two years, for six-year terms. One member, by reason of his vocation, employment, and affiliations, shall be representative of labor, one shall be so representative of employers of labor.

Sec. 5. Arbitration and Conciliation: The Commissioner shall provide in the Bureau of Factory Inspection for the handling of cases involving arbitration and conciliation of industrial disputes. Any such disputes that cannot be so adjusted shall be referred to the Commissioner and may be submitted by him to the Industrial Commission. The Commissioner may constitute special boards representing the interests of the parties and the public in individual cases when other measures of adjustment fail, whose awards shall be subject to the approval of the Commissioner and the Industrial Commission.

Sec. 6. All powers, authority, and duties heretofore conferred upon the Industrial Accident Board, under Title 130, of the Revised Civil Statutes, are hereby transferred to and conferred upon the Commissioner of Labor. Any order, ruling, or award made by said Commissioner of Labor, under said Title 130, by virtue of the duties, authority, and powers herein conferred upon him, shall have the same force, effect, and finality as if same were made and entered by the Industrial Accident Board, except as hereinafter provided. In the event that any party to any claim or proceeding filed shall be dissatisfied with any such order, ruling, or award of said Commissioner of Labor, it shall be the duty of said Commissioner to refer said action and proceeding to the Industrial

Commission herein provided for, which Commission shall proceed in the same manner to make its order, ruling, or award upon said action or proceeding in accordance with the provisions of Title 130, Revised Civil Statutes, for action or award by the Industrial Accident Board upon claims or proceedings that have been properly filed with said Industrial Accident Board; and the procedure of the Commission with respect to said claim or proceeding shall be the same as heretofore provided for under the Industrial Accident Board.

Article XV. Department of Banking:

Section 1. Functions: The Department of Banking shall consist of the State Banking Department as heretofore constituted and all functions heretofore vested in the State Banking Department and the Banking Commissioner shall be vested in the Department of Banking.

All functions of the State Banking Board are hereby transferred to and vested in the Department of Banking.

All functions vested in the Commissioner of Agriculture in relation to the examination of warehouses, now exercised by the Warehouse Division of the State Department of Agriculture, are hereby transferred to and vested in the Department of Banking.

Sec. 2. Head of the Department: The head of the Department of Banking shall be the Commissioner of Banking who shall be appointed by the Governor in the manner herein provided. He shall be qualified by not less than eight years of responsible experience in bank management or bank examining; and shall be familiar with the State banking laws and with banking practices and procedures, the theory and practice of accounting, and the technique of bank examinations. The Banking Commissioner in office when this Act takes effect shall be the Commissioner of Banking and shall continue to serve as such until the expiration of the term for which he was appointed, or until the office is otherwise vacated, but his successor shall be appointed under the terms of this Act.

Article XVI. Department of Insurance:

Section 1. Functions: All functions heretofore vested in the Board of Insurance Commissioners, the Life Insurance Commissioner, the Fire Insurance Commissioner, and the Casualty Insurance Commissioner, are hereby transferred to and vested in the Department of Insurance, except as otherwise provided herein.

Sec. 2. Head of the Department: The head of the Department of Insurance shall be the Commissioner of Insurance who shall be appointed by the Governor in the manner provided in this Act. He shall have had eight years of responsible experience in insurance examination, regulation, or management.

Sec. 3. Organization of the Department: As first organized hereunder, the Department shall include an Administration Bureau, an Examination Bureau, an Actuarial Bureau, and a License Bureau. The head of the Examination Bureau shall be a competent insurance examiner, qualified by training and experience in the examination and regulation of insurance companies. The head of the Actuarial Bureau shall be a competent actuary qualified by graduation from a recognized college or university with specialization in mathematics including actuarial science, and five years of responsible experience in actuarial work, or any equivalent combination of education and experience. The head of the Examination Bureau shall have had five years of experience in insurance management, examination, or regulation, of which three years shall have been in a responsible capacity in the examination of insurance companies.

Article XVII. Department of Agriculture:

Section 1. A Department of Government of the State of Texas to be known as the Department of Agriculture, hereinafter called "Department," is hereby created. The Department shall be conducted under the general control of an executive officer to be known as the Commissioner of Agriculture, who shall be appointed by the Governor with the consent of the Senate. The Commissioner shall be a graduate of an Ag-

ricultural College of recognized standing, and shall have had at least ten years actual experience in farming, and/or stock raising, or in farm demonstration work immediately preceeding his appointment. His office shall be in Austin, Texas.

The Commissioner of Agriculture, under Article 47, Revised Civil Statutes, 1925, in office when this Act takes effect shall continue in office as the Commissioner of Agriculture provided herein until the expiration of the term of office for which he was elected, or until his office is otherwise vacated, but his successor shall be appointed under the provisions of this Act.

Sec. 2. For the purpose of administration, the Department of Agriculture shall be organized by the Commissioner of Agriculture in such manner, as, with the approval of the Governor, shall be deemed necessary to the conduct of the work of the Department. As first organized hereunder, the Department of Agriculture shall include a Bureau of Animal Industry, Bureau of Plant Industry, Bureau of Markets, Bureau of Weights and Measures, and the Bureau of Feed and Fertilizer Control. Each of the several Bureaus shall be appointed by the Commissioner of Agriculture.

The Director of the Bureau of Animal Industry shall be a graduate in veterinary medicine from an institution of recognized standing, licensed to practice in this State, and shall have had not less than eight years of practical experience as a veterinarian, of which four years shall have involved administrative responsibility in animal disease control work, or any equivalent combination of education and experience. The chairman of the Live Stock Sanitary Commission, in office when this Act takes effect, shall continue in office as the Director of the Bureau of Animal Industry provided hereunder until the expiration of the term of office for which he was appointed, or until the office is otherwise vacated, but his successor shall be appointed under the provisions of this Act.

The Director of the Bureau of Plant Industry shall be a graduate of a school of agriculture of recognized standing and shall have had four years' experience in plant disease control work, or any equivalent combination of education and experience.

Sec. 3. Powers Transferred to the Department: The Department of Agriculture, as herein created, shall succeed to and is hereby vested with all duties, powers, purposes, responsibilities, and jurisdiction of the Commissioner of Agriculture, of the Live Stock Sanitary Commission of the State of Texas, of the State Seed and Plant Board, of the Cotton Board, of the Pink Bollworm Commission, of the Compensation Claims Board, of the director of the Texas Agricultural Experiment Station in the enforcement of the laws relating to feeding stuff, of the State Chemist of Texas Agricultural Experiment Station in the enforcement of the laws relating to commercial fertilizer, of the State Entomologist of the Texas Agricultural Experiment Station in the enforcement of the laws relating to contagious or infectious diseases of honey bees, of the extension service of the Agricultural and Mechanical College in the control of rodents, and of all of the several officers, deputies, and employes of such agencies that have heretofore administered any agricultural regulatory laws connected with any of the offices herein mentioned; and by the provisions of any statutes or any law now in force, or that may hereafter be enacted as a duty or jurisdiction imposed or authority conferred upon any of the said agencies, offices, deputies, or employes, or upon any other person and any statute of enforcement, shall be transferred to this Department. Such duties, jurisdiction, and authority are hereby imposed upon and transferred to the Department, and the appropriate officers thereof, with the same force and effect as though the title of said Department of Agriculture has been specifically set forth and named therein in lieu of the name of any such board, commission, officers, deputies, or employes thereof, as the case may be. Said bodies and offices, the duties, powers, purposes, and responsibilities of which are so transferred to and vested in the Department of Agriculture and the possession of all offices, deputies, and employes thereunder, all and each of them, is hereby abolished and shall have no further legal existence. But the statutes and laws under which they existed, and all laws prescribing their duties, powers, purposes, responsibilities, and jurisdiction, together with all lawful rules and regula-

tions established thereunder, are hereby expressly continued in force.

Sec. 4. The Department shall also be in possession and control of all records, books, papers, office equipment, supplies, moneys, funds, appropriations, lands, or other property, real or personal, now or hereafter held for the benefit and use of said bodies, offices, and officers.

Sec. 5. The Department of Agriculture is hereby invested with the power and is charged with the duty of administering and enforcing all laws and amendments thereto in relation to agriculture as provided for in the Revised Civil Statutes of 1925, as follows:

"Title 4. Chapter 1. Statute creating the Department of Agriculture, 1907.

"Chapter 2. Plant Breeder Examiners, as amended.

"Chapter 3. Pink Bollworm.

"Chapter 4. Agricultural Seeds.

"Chapter 5. Commercial Fertilizers.

"Chapter 6. Fruits and Vegetables, Standard Containers.

"Chapter 7. Nursery Stock Inspection.

"Chapter 7-a. Plant Disease and Pest Control."

"Title 17. Bees, Foul Brood Inspection, with duties, are transferred from the Agricultural Experiment Station of the Agricultural and Mechanical College of Texas to the Department of Agriculture."

"Title 93. Chapter 1. Markets and Warehouses.

"Chapter 5. Ginners and Cotton.

"Chapter 6. Public Weighers.

"Chapter 7. Weights and Measures.

"Chapter 8. Marketing Associations."

"Title 60. Feed Stuffs."

"Title 120. Chapter 8. Live Stock Sanitary Commission."

Provided, that in the enforcement of these laws the Department may enter into a contract with the Agricultural and Mechanical College of Texas or with the University of Texas for the making of laboratory analyses in connection with the enforcement of any of these laws, or any other law which it may hereafter be directed to enforce.

Sec. 6. It is the purpose of this Act definitely to clarify the liens of demarcation between regulatory service and educational service in any or all matters relating to agriculture, live stock, and dairying, definitely vesting in the Department of Agriculture herein created, the rights, powers, and duties to have complete charge and enforcement of all existing regulatory acts affecting agriculture, live stock, and dairying, and vesting in educational institutions all rights and privileges relating to agricultural research or education. It is hereby declared to be the policy of the Legislature by this Act that any laws hereafter enacted shall recognize and so allocate administrative functions as that such lines of demarcation shall be definitely observed.

It is the intention of this Act that each and every power, duty, or function that is purely regulatory, whether or not it is expressly named herein, that may be at this time vested in the now existing Department of Agriculture, shall remain in full force and effect as a function of said Department, except such functions as are transferred by this Act to the Department of Banking.

It is further declared to be the intention of this Act that such duties as are regulatory, whether or not expressly named herein, which are related to agriculture, live stock, and dairying, that may now be vested in any commission, board, institution, or department, shall be transferred from such commission, board, institution, or department to and be vested in the Department of Agriculture, except the regulation of production and sale of milk and milk products for the protection of the public health, which shall continue as a duty of the Department of Public Health.

Sec. 7. Expenditures of Department: From and after the time this Act takes effect, the Department of Agriculture shall be, and is hereby, authorized and empowered to expend the moneys in any appropriation or in any special fund in the State Treasury then remaining or made available by law for the administration of which is committed to the Department of Agriculture, for the use, support, and/or maintenance of any board, commission, office, or officer, that is abolished by the provisions of this Act, and all duties, powers, and func-

tions are, by the provisions of this Act, transferred to and conferred upon the Department of Agriculture. Such expenditures by the Department shall be made in accordance with the law in carrying on the work for which such appropriations were made or such special funds created.

Article XVIII. Department of Forests, Fish, and Game.

Section 1. Functions: All functions heretofore vested in the Game, Fish, and Oyster Commission, in the Texas Forest Service of the Agricultural and Mechanical College, and in the State Parks Board, are hereby transferred to and vested in the Department of Forests, Fish, and Game except as otherwise provided herein.

Sec. 2. Head of the Department: The head of the Department of Forests, Fish, and Game shall be the Commissioner of Forests, Fish, and Game, who shall be appointed by the Governor in the manner herein provided. He shall have had eight years of experience in a responsible administrative capacity, preferably in the protection and conservation of wild life.

Sec. 3. Organization of the Department: The Department of Forests, Fish, and Game shall consist of a Board of Forests, Fish, and Game and, as first organized hereunder, the bureaus of forestry, game propagation and control, fish and game protection, hatcheries, coastal operations, water protection, and administration.

Sec. 4. Board of Forests, Fish, and Game: The Board of Forests, Fish, and Game shall consist of six members of whom two members shall be appointed by the Governor every two years for a term of six years, in the manner provided herein, after the Board is first constituted. The members of the Game, Fish, and Oyster Commission in office when this Act takes effect shall continue in office as members of the Board of Forests, Fish, and Game provided for herein, until the expiration of the respective terms of office for which they were appointed, or until their offices are otherwise vacated, but their successors shall be appointed under the provisions of this Act.

Sec. 5. Bureau of Forestry: The Bureau of Forestry shall consist of the State Forest Service as heretofore constituted. The head of this Bureau shall be the State Forester who shall be qualified by graduation in forestry from an accredited institution and four years of professional experience in forestry.

Sec. 6. Bureau of Water Protection: To the Bureau of Water Protection shall be assigned such functions of the Department as relate to the control of pollution of streams and public waters of the State to insure the preservation of fish and marine life, heretofore exercised by the Division of Natural Resources, and the Division of Sand, Shell, and Gravel of the Game, Fish, and Oyster Commission.

Sec. 7. Bureau of Game Propagation and Control: To the Bureau of Game Propagation and Control shall be assigned such functions of the Department as relate to the stocking of hunting and game preserves, the protection of such preserves from trespass, the examination of proposed habitats for stocking with game, and the destruction and control of predatory animals. The head of the Bureau shall be a Superintendent of Game, who shall have graduated from an institution of recognized standing with specialization in the natural sciences and have had five years in biological survey or other field work relating to the wild animal life and habits, or be qualified by some equivalent combination of education and experience.

Sec. 8. Bureau of Fish and Game Protection: To the Bureau of Fish and Game Protection shall be assigned the functions of the Department heretofore exercised by the Division of Law Enforcement of the Game, Fish, and Oyster Commission. The head of the Bureau shall be a Chief Game Warden who shall be qualified by five years of experience in the enforcement of fish and game laws and the protection of wild life. For the purposes of this Bureau there shall be a systematic division of the State into not more than twenty-five warden districts each in charge of a district game warden.

Sec. 9. Bureau of Hatcheries: To the Bureau of Hatcheries shall be assigned the functions of the Depart-

ment heretofore exercised by the Division of Hatcheries of the Game, Fish, and Oyster Commission. The head of this Bureau shall be a Superintendent of Hatcheries who shall be a qualified fish culturist with five years of practical experience in hatchery supervision.

Sec. 10. Bureau of Coastal Operations: To the Bureau of Coastal Operations shall be assigned the functions of the Department heretofore exercised by the Division of Coastal Operations of the Game, Fish, and Oyster Commission.

Article XIX. General Land Office (Department of Lands).

Section 1. General Land Office Continued with Added Functions: The General Land Office shall be continued as heretofore constituted and with the functions heretofore vested therein, except as otherwise provided. All functions heretofore vested in the State Auditor and Efficiency Expert in relation to the current checking of the records of oil companies and others operating on a royalty basis, to determine the amounts of royalty due the State, and all functions heretofore vested in the board for Lease of Eleemosynary and State Memorial Lands, the Board of Lease of Texas Prison Lands, the Board of Lease of University Lands, and the Board of Managers of State Iron Industries, shall be transferred to and vested in the General Land Office. All conveyances and other documents and papers by which title to any lands has been or shall hereafter be acquired by the State, shall be recorded in the General Land Office. The head of the General Land Office shall continue to be the Commissioner of the General Land Office, elected as provided by law. But if and when the Constitution is amended to permit such action, the General Land Office shall be designated as the Department of Lands, the head of which shall be a Commissioner of Public Lands, appointed by the Governor in the manner provided herein for the heads of the administrative departments.

Article XX. Department of Water Supply and Reclamation.

Section 1. Functions: All functions heretofore vested in the State Board of Water Engineers, the State

Reclamation Department, the Palo Pinto Park and Flood Control Commission, and the Rio Grande Compact Commissioner for Texas, are hereby transferred to and vested in the Department of Water Supply and Reclamation, except as otherwise provided herein.

Sec. 2. Head of the Department: The head of the Department shall be the Commissioner of Water Supply and Reclamation who shall be appointed by the Governor in the manner provided herein. The qualifications of the Commissioner shall include graduation in civil engineering from an institution of recognized standing with specialization in hydraulic engineering, and not less than eight years of responsible experience involving hydraulic engineering. The Commissioner of Water Supply and Reclamation, or his representative designated by him therefor, shall serve ex officio as the Texas representative on the Tri-State Rio Grande Compact Committee, and engineering and clerical services shall be furnished therefor under his direction by the Department as required.

Sec. 3. Organization of the Department: The Department shall consist of the Board of Water Engineers, and, as first organized hereunder, the Bureaus of Administration, Water Supply and Reclamation. So far as practicable, the technical field work shall be provided for by co-operative arrangement with the United States Geological Survey.

Sec. 4. Board of Water Engineers: The Board of Water Engineers shall consist of three members who shall have such technical knowledge and such practical experience and skill as shall fit them for the duties assigned to the Board. They shall be appointed by the Governor, one every two years for a term of six years, after the Board is first constituted, in the manner provided in this Act. The members of the Board of Water Engineers in office when this Act takes effect shall continue in office as members of the Board of Water Engineers herein provided until the expiration of the respective terms of office for which they were appointed, or until their offices are otherwise vacated, but their successors shall be appointed under the provisions of this Act.

In addition to the powers herein provided for the boards and commissions of the administrative departments, the Board of Water Engineers shall pass upon application for the use of water before they may be granted.

Article XXI. Department of Highways.

Section 1. Functions: All functions heretofore vested in the State Highway Department shall be vested in the Department of Highways herein provided, except as otherwise provided by this Act.

Sec. 2. Head of the Department and State Highway Commission: The State Highway Commission and the State Highway Engineer are hereby continued as heretofore provided. The State Highway Engineer, appointed as heretofore provided, shall be the head of the Department under the provisions of this Act, and the State Highway Commission shall be subject to the provisions of this Act in relation to boards and commissions of administrative departments. If and when the Constitution is amended to remove its limitations of the terms of public officers, the office of State Highway Engineer shall be abolished, and the head of the Department shall be a Commissioner of Highways, appointed by the Governor in the manner herein provided. The State Highway Engineer, and the Commissioner of Highways, each shall be a qualified civil engineer with not less than eight years of experience in the construction and maintenance of highways, of which five years shall have been in a responsible capacity in the planning and direction of such work.

Sec. 3. Organization of the Department: The Department as first organized hereunder shall include an Assistant State Highway Engineer (Deputy Commissioner of Highways), a Budget Engineer, and, as first organized hereunder, the Bureaus of Business Administration, Engineering and Construction, and Maintenance, which shall be organized into appropriate divisions for the conduct of the work.

Sec. 4. Assistant State Highway Engineer (Deputy Commissioner of Highways) and Budget Engineer: The Assistant State Highway Engi-

neer (Deputy Commissioner of Highways) shall be a qualified civil engineer with not less than five years of experience in the construction and maintenance of highways. The Budget Engineer shall be a qualified civil engineer, with not less than five years of experience in financial planning and management of engineering projects, preferably in highway construction and maintenance. He shall be the advisor of the State Highway Engineer and the State Highway Commission in financial matters; conduct such research as is involved in the development of a comprehensive highway plan; prepare the biennial estimates for legislative appropriations for all highway expenditures subject to the approval of the State Highway Engineer and the State Highway Commission; prepare the annual work programs and cost estimates of the several bureaus and divisions of the Department; and supervise and control the expenditures of the Department in relation to the estimated income.

Sec. 5. Bureau of Business Administration: The Bureau of Business Administration shall include the Accounting Division, Aid Division, and Equipment Division heretofore existing, and all central office files and stenographic service, and shall provide for central purchasing, pay roll preparation and control, personnel administration, and current auditing, subject to the rules and the supervision of the Department of Finance and Administrative Service. The Bureau, as first constituted hereunder, shall be organized into Divisions of Purchases, Audit, Accounts, and Statistics, Property Control, Personnel Administration, and Office Service. The head of the Bureau of Business Administration shall be a qualified administrator experienced in business management. The head of the Division of Audit shall be an employee of the Bureau of Audit and Control of the Department of Finance and Administrative Service, who shall represent the Comptroller, and be responsible to him.

Sec. 6. Bureau of Engineering and Construction: The Bureau of Engineering and Construction, as first organized hereunder, shall comprise the Divisions of Materials, Engineering, Location, Design, Contracts, and Construction.

Sec. 7. Bureau of Maintenance: The Bureau of Maintenance as first organized hereunder shall comprise the Division of Regular Maintenance and the Division of Maintenance Betterments and shall operate through maintenance districts in charge of district maintenance engineers. It shall include the Equipment Engineer and the necessary repair and storage shops under his control.

Article XXII. Department of Public Service.

Section 1. Functions: All functions heretofore vested in the Railroad Commission of Texas are hereby vested in the Department of Public Service provided herein, except as otherwise provided herein.

Sec. 2. Head of the Department: The head of the Department of Public Service shall be a Commissioner of Public Service, who shall be appointed by the Governor in the manner herein provided.

Sec. 3. Organization: The Department of Public Service shall comprise a Public Service Commission, and as first organized hereunder, the Bureaus of Administration, Oil, and Gas, Gas Utility and Motor Transportation. The Bureau of Administration shall comprise the main office, rate-making division, engineering division, and auditing division, of the Railroad Commission of Texas as heretofore constituted. The Oil and Gas Bureau, the Gas Utility Bureau, and the Motor Transportation Bureau shall comprise the Oil and Gas Division, the Gas Utility Division, and the Motor Transportation Division, respectively, of the Railroad Commission of Texas, as heretofore constituted.

Sec. 4. Public Service Commission: The Public Service Commission shall consist of three members, appointed by the Governor, one every two years after the Commission is first constituted. The members of the Railroad Commission of Texas in office when this Act takes effect shall continue in office as members of the Public Service Commission herein provided until the expiration of the respective terms for which they were appointed, or until their offices are otherwise vacated, but their successors shall be appointed under the provisions of this Act.

In addition to the functions herein prescribed for boards and commissions of administrative departments, the Public Service Commission shall make decisions in cases brought before it by the Commissioner on the records of investigations and hearings conducted under his direction; it shall hold such hearings as the Commissioner may adjudge necessary in such cases, and such further hearings as it may find necessary to enable it to reach decisions. Cases involving the regulation of companies within the jurisdiction of the Department shall be presented to the Commission by the Commissioner with his recommendation for action, on the basis of investigations and hearings conducted under this direction, and no decision in any such case shall take effect until it has been officially determined by the Public Service Commission.

Article XXIII. General Provisions.

Section 1. Agencies Abolished: The offices and other agencies of the State Government hereinafter named are hereby abolished:

The State Tax Board (Intangible Tax Board), composed of the Comptroller of Public Accounts, the Secretary of State, and a Tax Commissioner, and the office of Tax Commissioner of the State of Texas, created by the provisions of Article 7098, of the Revised Civil Statutes of 1925.

The Board of Equalization for Unorganized Counties, consisting of the Governor, Attorney General, and Secretary of State, under the provisions of Article 7231, of the Revised Civil Statutes of 1925.

The State Depository Board, composed of the State Treasurer, the Attorney General, and the Banking Commissioner of Texas, under the provisions of Article 2525, of the Revised Civil Statutes of 1925.

The Board to Calculate the Ad Valorem Tax Rate, composed of the Governor, the Comptroller of Public Accounts, and the State Treasurer, under the provisions of Article 7041, of the Revised Civil Statutes of 1925.

The Board to Select Auditor for the State Prison System, consisting of the Attorney General, the Treasurer, and Comptroller, under the provisions of Chapter 212, of the General and Special Laws of the Fortieth Legislature.

The Railroad Commission, composed of three Railroad Commissioners, selected and qualified as provided by Article 6447, of the Revised Civil Statutes of 1925.

The Board of Insurance Commissioners, composed of the Life Insurance Commissioner, the Fire Insurance Commissioner, and Casualty Insurance Commissioner, under the provisions of Chapter 224, of the General and Special Laws of the Fortieth Legislature.

The Board of Lease of Texas Prison Lands, composed of the Commissioner of General Land Office, the Attorney General, and the Chairman of the Prison Board, created by Chapter 13, of the General Laws of the Fourth and Fifth Called Sessions of the Forty-first Legislature.

The Special Land Board, composed of the Commissioner of the General Land Office, the Attorney General, and the Governor, under the provisions of Chapter 185, of the General Laws of the Forty-second Legislature.

The Board for Lease of Eleemosynary and State Memorial Lands, consisting of the Commissioner of the General Land Office, the Attorney General, and the Chairman of the Board of Control, under the provisions of Chapter 32, of the General Laws of the Fourth and Fifth Called Sessions of the Forty-first Legislature.

The State Banking Board, composed of the Attorney General, the Banking Commissioner, and the State Treasurer, under the provisions of Article 439, of the Revised Civil Statutes of 1925, as amended by Chapter 12, of the General and Special Laws of the Fortieth Legislature.

The State Parks Board, of five members, under the provisions of Article 6067, of the Revised Civil Statutes of 1925.

The San Jacinto State Park Commissioners, of three members, under the provisions of Article 6072, of the Revised Civil Statutes of 1925.

The Gonzales State Park Commissioners, of three members, under the provisions of Article 6075, of the Revised Civil Statutes of 1925.

The Washington State Park Commission, of five members, under the provisions of Article 6077, of the Revised Civil Statutes of 1925.

The Goliad State Park Commissioners, of three members, under the

provisions of Chapter 31, of the General Laws of the Forty-second Legislature.

The Fannin State Park Board as heretofore existing.

The King's Memorial Park Commission as heretofore existing.

The Palo Pinto Park and Flood Control Commission, composed of the State Board of Water Engineers and the Chairman of the State Parks Board, under the provisions of Chapter 30, of the Second and Third Called Sessions of the Forty-first Legislature.

The Department of Agriculture, and the office of Commissioner of Agriculture, provided for in Title 4, of the Revised Civil Statutes of 1925.

The State Seed and Plant Board authorized by Chapter 93, of the First Called Session of the Forty-first Legislature, and theretofore known as the State Board of Plant Breeder Examiners, under the provisions of Article 56, of the Revised Civil Statutes of 1925.

The Pink Bollworm Commission, of five members, under the provisions of Article 77, of the Revised Civil Statutes of 1925.

The Board of Examiners of Land Surveyors, composed of the Commissioners of the General Land Office and two other reputable land surveyors, under Article 5268, of the Revised Civil Statutes of 1925.

The State Board of Veterinary Medical Examiners, consisting of seven veterinarians, under Article 7448, of the Revised Civil Statutes of 1925.

The State Board of Library Examiners, consisting of the State Librarian, the Librarian of The University of Texas, and three other librarians, under the provisions of Article 1682, of the Revised Civil Statutes of 1925.

The State Board of Public Accountancy, composed of five members, under the provisions of Article 31, of the Revised Civil Statutes of 1925.

The Board of Regents of the College of Industrial Arts, composed of nine members, under Article 2625, of the Revised Civil Statutes of 1925, as amended by Chapter 145, of the General Laws of the Fortieth Legislature.

The Board of Regents of the State Teachers Colleges, composed of six members, under Article 2647, of the Revised Civil Statutes of 1925.

The Board of Regents of The University of Texas, consisting of nine members, under the provisions of Article 2584, of the Revised Civil Statutes of 1925.

The Board of Directors of the Agricultural and Mechanical College of Texas, of five members, under Article 2650, of the Revised Civil Statutes of 1925.

The Board of Directors of the Texas College of Arts and Industries, of nine members, under Chapter 286, of the General and Special Laws of the Forty-first Legislature.

The Board of Directors of Texas Technological College, of nine members, under Article 2630, of the Revised Civil Statutes of 1925.

The local Board of Managers of the North Texas Junior Agricultural College, of five members, under Article 2620, of the Revised Civil Statutes of 1925.

The Advisory Committee of the School of Mines and Metallurgy of The University of Texas as heretofore existing.

The State Board of Control, consisting of three members, under the provisions of Article 601, of the Revised Civil Statutes of 1925.

The Texas Prison Board, of nine members, under Chapter 212, of the General and Special Laws of the Fortieth Legislature.

The Board of Pardons and Paroles, of three members, under Article 6203, of the Revised Civil Statutes of 1925, as amended by Chapter 45, of the General and Special Laws of the Forty-first Legislature.

The Board of Nurse Examiners, of five members, under the provisions of Article 4513, of the Revised Civil Statutes of 1925.

The Board of Barber Examiners, of three members, under the provisions of Chapter 65, of the General and Special Laws of the First Called Session of the Forty-first Legislature.

The State Board of Chiropody Examiners, of five members, under the provisions of Article 4568, of the Revised Civil Statutes of 1925.

The State Board of Dental Examiners, of six members, under the provisions of Article 4543, of the Revised Civil Statutes of 1925.

The State Board of Embalming, of five members, under the provisions of Article 4576, of the Revised Civil Statutes of 1925.

The State Board of Pharmacy, of six members, under the provisions of Chapter 107, of the General and Special Laws of the Forty-first Legislature.

The Texas State Board of Examiners in Optometry, of five members, under the provisions of Article 4553, of the Revised Civil Statutes of 1925.

The State Board of Medical Examiners, of twelve members, under the provisions of Article 4495, of the Revised Civil Statutes of 1925, as amended by Chapter 49, of the General Laws of the Forty-second Legislature.

The Commissioner of Labor Statistics, under the provisions of Article 5144, of the Revised Civil Statutes of 1925.

The Industrial Accident Board, of three members, under the provisions of Article 8307, of the Revised Civil Statutes of 1925.

The Industrial Commission, of five members, under the provisions of Article 5183, of the Revised Civil Statutes of 1925.

The State Mining Board, of seven members, under the provisions of Article 5892, of the Revised Civil Statutes of 1925.

The State Mining Inspector, under the provisions of Article 5893, of the Revised Civil Statutes of 1925.

The Live Stock Sanitary Commission, of three members, under the provisions of Article 7009, of the Revised Civil Statutes of 1925.

The Commissioner to Represent Texas on the Rio Grande Compact Committee, under the provisions of Chapter 9, of the General and Special Laws of the First Called Session of the Forty-first Legislature.

The Alamo Land Acquisition Board, of three members, under the provisions of Chapter 40, of the General Laws of the Second and Third Called Sessions of the Forty-first Legislature.

The Auditor for the State Prison System, under the provisions of Chapter 212, of the General and Special Laws of the Fortieth Legislature.

The State Commission for the Blind, of three members, under the provisions of Chapter 80, of the General Laws of the Forty-second Legislature.

The Anti-Cancer and Pellagra Commission of Texas, composed of the Governor, the State Health Officer,

the Chairman of the Board of Control, and the Attorney General, under the provisions of Chapter 185 of the General and Special Laws of the Forty-first Legislature.

The State Bureau of Child and Animal Protection, composed of not less than nine or more than twenty-one members, under the provisions of Article 4597, of the Revised Civil Statutes of 1925.

The Compact Commissioner to negotiate with the State of New Mexico on School Pact, under the provisions of Chapter 251, of the General Laws of the Forty-second Legislature.

The Compensation Claims Board, of three members, under the provisions of Article 75, of the Revised Civil Statutes of 1925.

The Cotton Board, consisting of the Commissioner of Agriculture and the Banking Commissioner, created by the provisions of Article 5674 of the Revised Civil Statutes of 1925, the office of Commissioner of Markets and Warehouses having been abolished by Chapter 13, of the Acts of the Thirty-ninth Legislature.

The Commission for Erection of David Crockett Memorial Building, of five members, under the provisions of Chapter 98, of the General and Special Laws of the Forty-first Legislature.

The State Board of Examiners (for teachers) composed of not fewer than three members, under the provisions of Article 2877, of the Revised Civil Statutes of 1925.

The Firemen's Training School Advisory Board, consisting of not fewer than three members, under the provisions of Chapter 228 of the General and Special Laws of the Forty-second Legislature.

The Texas Historical Board, of five members, under the provisions of Article 6145 of the Revised Civil Statutes of 1925.

The Board of Managers of the State Iron Industries, composed of the Representative and Senator from that District and a third member appointed by the Lieutenant Governor, under the provisions of Chapter 88 of the General Laws of the Thirty-ninth Legislature.

The University Land Acquisition Board, of three members, under the

provisions of Chapter 137 of the General Laws of the Thirty-seventh Legislature.

The Board for Lease of University Lands, composed of the Commissioner of the General Land Office, and two members of the Board of Regents of the University of Texas, under the provisions of Chapter 282 of the General and Special Laws of the Forty-first Legislature.

The Texas Library and Historical Commission, of five members, under the provisions of Article 5434 of the Revised Civil Statutes of 1925.

The Board of Mansion Supervisors, of three members, under the provisions of Chapter 363 of the General Laws of the Forty-second Legislature.

The Board of Mineral Development, composed of the Governor, the Commissioner of the General Land Office, and the Chairman of the State Board of Control, under the provisions of Chapter 40 of the General and Special Laws of the Second Called Session of the Forty-second Legislature.

The Board of Managers of Texas State Railroad, under the provisions of Chapter 26, of the General Laws of the Thirty-seventh Legislature, and Section 13 of Final Title of the Revised Civil Statutes of 1925.

The State Reclamation Engineer, under the provisions of Chapter 5, of Title 128 of the Revised Civil Statutes of 1925.

The Board of County and District Road Indebtedness, composed of the Comptroller of Public Accounts, the State Treasurer, and the State Highway Engineer, under the provisions of Chapter 13 of the General and Special Laws of the Forty-second Legislature.

The Textbook Committee, of five members, under the provisions of Chapter 10, of the General Laws of the Second and Third Called Sessions of the Forty-first Legislature.

Boards to Conduct Examinations for Officers of the National Guard, under the provisions of Article 5805 of the Revised Civil Statutes of 1925.

The Retirement Board (for National Guard officers), composed of not fewer than five commissioned officers, under the provisions of Article 5809 of the Revised Civil Statutes of 1925.

The Board to Examine Officers of Texas National Guard as to fitness, composed of not fewer than three nor

more than five members, under the provisions of Article 5810 of the Revised Civil Statutes of 1925.

The Texas Naval Board, composed of the Governor and one other appointed by him, authorized by the provisions of Article 5891 of the Revised Civil Statutes of 1925.

The Office of State Superintendent of Public Instruction under the provisions of Article 2655 of the Revised Civil Statutes of 1925.

The Game, Fish, and Oyster Commission, consisting of six members, created by Chapter 118 of the General and Special Laws of the Forty-first Legislature.

Sec. 2. Laws Repealed: So much of Article 3068 of the Revised Civil Statutes of 1925 as relates to the State Board of Canvassers is hereby repealed, and the functions heretofore vested in such board shall be exercised by the Governor, the Attorney General, and the Secretary of State, or any two of them. Articles 75, 2605, so much of 3192 as relates to the Dallas State Psychopathic Hospital, 5891, and 7019, of the Revised Civil Statutes of 1925, Chapter 293, of the General and Special Laws of the Fortieth Legislature, Chapter 185, of the General and Special Laws of the Forty-first Legislature, and Chapters 47 and 255, of the General Laws of the Forty-second Legislature, and all other laws and parts of laws and administrative rules and regulations inconsistent or in conflict with the provisions of this Act are hereby repealed, but the added provisions of this Act shall be held to be cumulative of all existing provisions of law relative to the subjects to which it relates not in conflict herewith.

Sec. 3. Violations of Act Punishable as Misdemeanors: Any person who shall violate any provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Sec. 4. Constitutionality: If any part of this Act shall be held to be unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this Act.

The Legislature hereby declares that it would have passed this Act had such part been omitted.

Sec. 5. The provisions of this Act shall be and become effective on and after September 1, 1935, provided, however, that Articles VI and VII, creating the Department of Taxation and Revenue and of Finance and Administration Service, respectively, together with all general and special provisions of this Act that apply to the transfer of functions of existing agencies or departments of the Government to either or both of the above-named Department and all provisions with regard to the organization and operation of either or both of said Departments shall be and become effective on and after September 1, 1933. All agencies of the government herein transferred to a different department, effective as of September 1, 1933, are hereby directed to co-operate with the Department of Revenue and Taxation and of Finance and Administrative Service in planning the effectiveness of this Act September 1, 1935.

Sec. 6. The fact that under the existing law there is no co-ordination of control of State departments, institutions, and other agencies, and the further fact that, due to the lack of such control, much waste and inefficiency results, and the further fact that the calendar of the Senate is in a crowded condition create an emergency and an imperative public necessity, that the constitutional rule, requiring that bills be read on three several days in each House, and the further constitutional rule as to the time when laws take effect, be suspended, and each of them is hereby suspended, and this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted.

Mr. Graves offered the following amendments to the committee amendment:

(1)

Amend committee amendment No. 1 to House Bill No. 464 by adding to Section 4, of Article II, the following sentence: "Under the terms of this Section, the members of the State Board of Control shall hereafter serve as members of the Board of Finance, hereinafter provided."

(2)

Amend committee amendment No. 1 to House Bill No. 464 by inserting in Section 1, of Article VI, after the words "the collection of revenues and other charges due the State," the words "including fines, forfeitures, and escheats."

(3)

Amend committee amendment No. 1 to House Bill No. 464 by inserting in Section 15, of Article VI, at the end of the first sentence thereof, the words, "and the collection of all fines, forfeitures, and escheats due to the State."

(4)

Amend committee amendment No. 1 to House Bill No. 464 by amending Article XI, Department of Public Health, Section 6, thereof, by adding at the end of such Section the following: "and provided that the person, or persons, conducting such examinations for testing and licensing under such bureau, shall be those skillful, licensed, and a graduate from the school, and profession, avocation, or calling in which the examination is conducted and of recognized skill and learning therein."

The amendments were severally adopted.

Mr. Kyle of Hays offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 464 by striking out Article IX.

Mr. Calvert offered the following substitute for the amendment by Mr. Kyle of Hays:

Substitute for amendment to committee amendment to House Bill No. 464 by striking out Sections 8, 9, and 10, of Article IX thereof, and inserting in lieu thereof the following:

"Section 8. The general management and general control of all Texas State institutions of higher learning shall hereafter be vested in a board to be known as the Texas State Board of Regents. Said Board shall be composed of nine members, appointed by the Governor, and confirmed by the Senate. They shall serve for a term of six years; provided, that immediately upon the taking effect of this Act the Board of Regents of The University of Texas, the Board of Direc-

tors of the Agricultural and Mechanical College, the Board of Directors of Texas Technological College, the Board of Directors of the College of Arts and Industries, the Board of Directors of College of Industrial Arts, and the Board of Directors of the State Teachers College shall each select one of their members to become a member of the Texas State Board of Regents, and the Governor shall appoint three additional members of said Board. When thus constituted the members of the said Board, at the first meeting thereof, shall draw lots for terms, three to serve for six years, three to serve for four years, and three to serve for two years. Vacancies in said Board to be filled as they occur by appointment by the Governor and with the approval of the Senate.

"Sec. 9. The members of the Texas State Board of Regents shall serve without salary, except that they shall receive \$10 per diem for actual attendance on meetings of the Texas State Board of Regents, and shall be reimbursed for necessary expenses incurred in attending such meetings.

"Sec. 10. The Board of Regents of The University of Texas and the Governing Board of the Agricultural and Mechanical College of Texas, College of Industrial Arts, Texas Technological College, Texas College of Arts and Industries, the State Teachers Colleges of Texas, and the North Texas Junior Agricultural, Mechanical, and Industrial College, at Arlington, are hereby abolished, and all power and authority now vested in said Boards hereinbefore named shall hereafter be vested in and exercised by the Texas State Board of Regents, and all authority now vested in the State Board of Education over the institutions of higher education, as provided in Chapter 10, Section 5, Acts of the Forty-first Legislature, Second Called Session, is hereby transferred to and shall hereafter be exercised by the Texas State Board of Regents.

"Sec. 11. Said Texas State Board of Regents shall be a policy-determining board. They shall employ and fix the salary of an executive officer, who shall be known as the Executive Secretary of the State Board of Regents, and who shall serve at the will of the Board.

"Sec. 12. The Texas State Board of Regents shall be authorized to em-

ploy such administrative, clerical, and supervisory personnel as may be necessary to carry on the work of the Board and as may be provided for by legislative appropriation.

"Sec. 13. The powers and duties now vested in the State Board of Control in reference to the preparation of a budget for each institution of higher education, by the Act of the Forty-second Legislature, Regular Session, 1931, page 339, Chapter 206, Section 1, shall hereafter be vested in and exercised by the State Board of Regents. The heads of the institutions of higher education shall hereafter submit to the State Board of Regents not later than October 1 of each year, preceding the regular biennial session of the Legislature, an itemized account of all items of expenses for the preceding two years, and an estimate of the appropriations required by such schools for the regular biennial appropriation made by the Legislature, which estimate shall be submitted, itemized in such a manner as the Board may require, and estimates are no longer required to be submitted by the heads of said schools to the Board of Control. The Texas State Board of Regents shall prepare an itemized budget covering all appropriations recommended for each of the institutions of higher learning in this State and their branches, which budget shall be prepared and submitted to the Governor not later than November 1, preceding the biennial session of the Legislature. Said budget when so prepared shall be transmitted to the Legislature by the Governor, either with the approval of the Governor, or with such changes as he may desire to recommend.

"Sec. 14. The Texas State Board of Regents shall, as soon as appointed, proceed to organize and to assemble the necessary information to enable them to carry out the provisions of this Act; provided, that the governing boards of all of the State institutions herein referred to shall continue to exercise control of their respective institutions until August 31, 1933, the same as they would if this law had not been enacted.

"Sec. 15. The University of Texas shall be maintained as a University of the first class, with a medical branch located at Galveston. The instructions in said institution shall be confined to courses generally given in

the last two years of a four-year senior college, and graduate courses in every department.

"Sec. 16. The Agricultural and Mechanical College of Texas shall be a four-year senior college and graduate school. The instruction in said institution shall be confined in both its undergraduate and graduate departments to courses leading to degrees in agriculture, the mechanical arts, and natural sciences. Provided, however, that summer instruction and short course work as heretofore given at this institution may be continued.

"Sec. 17. The Texas Technological College shall be a four-year senior college. The instruction in said institution shall be confined to courses leading to degrees in liberal arts and agriculture.

"Sec. 18. The Prairie View State Normal and Industrial College shall be a normal school and four-year senior college for colored teachers. The instruction in said institution shall consist of courses in classical and scientific studies.

"Sec. 19. The College of Industrial Arts shall hereafter be known as the 'Texas State College for Women,' and shall be a four-year senior college for the education of women. The instruction in said school shall consist of courses leading to degrees in arts and sciences.

"Sec. 20. The North Texas State Teachers College shall be a four-year senior college. The instruction in said institution shall consist of courses leading to degrees in liberal arts.

"Sec. 21. The administration of the Texas State College for Women and North Texas State Teachers College shall be vested in one president and one business manager who shall be known as the president and the business manager of the State Colleges in Denton. Duplication of courses in said schools shall be eliminated so far as possible, and students matriculating in either institution may receive instruction in both institutions without payment of any additional matriculation fees.

"Sec. 22. Hereafter the courses of instruction given in the Texas College of Arts and Industries, the East Texas State Teachers College, the

Stephen F. Austin State Teachers College, the West Texas State Teachers College, Sul Ross State Teachers College, the Southwest Texas State Teachers College, John Tarleton Agricultural College, the North Texas Agricultural, Mechanical, and Industrial College, and the School of Mines and Metallurgy shall be confined to those courses ordinarily given in a first class junior college. The names of said institutions are to be changed as herein stated: The School of Mines and Metallurgy, to be known hereafter as the El Paso Junior College; the Texas College of Arts and Industries, to be known hereafter as the South Texas Junior College; the East Texas State Teachers College, to be known hereafter as East Texas Junior College; the Stephen F. Austin State Teachers College, to be known hereafter as the Stephen F. Austin Junior College; the West Texas State Teachers College, to be known hereafter as the West Texas Junior College; Sul Ross State Teachers College, to be known hereafter as Sul Ross Junior College; the Southwest Texas State Teachers College, to be known hereafter as the Southwest Texas Junior College, and the Sam Houston State Teachers College, to be known hereafter as the Sam Houston Junior College.

"Sec. 23. Graduate work shall not be offered at any of the State Institutions of Texas except the University of Texas and the Agricultural and Mechanical College of Texas. The University of Texas and the Agricultural and Mechanical College of Texas shall be the only centers of correspondence and extension teaching in Texas.

"Sec. 24. The provisions of this Act, as to the change status of certain institutions, combination of, change the names of, and defining the scope of work of institutions, shall be effective after August 31, 1933.

"Sec. 25. All laws or parts of laws in conflict with any of the provisions of this Act are hereby expressly repealed, and if any portions of this Act shall be declared invalid, the remaining portions thereof shall not be affected thereby.

"Sec. 26. Where members of the Board of Regents of The University of Texas, the Agricultural and Me-

chanical College, the Texas Technological College, the College of Industrial Arts, or the Board of Directors of the State Teachers Colleges are ex officio members of other boards, the duties devolving upon them as such, are hereby transferred and vested in the State Board of Regents, and said State Board of Regents shall designate from among its members those who are to serve upon such ex officio boards.

"Sec. 27. The State Board of Regents is hereby vested with the power of eminent domain to acquire, for the use of the various institutions under their respective control, such land as may be necessary for their purpose."

CALVERT,
ANDERSON of Johnson.

Question—Shall the amendment by Mr. Calvert be adopted?

RECESS

On motion of Mr. Pope, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 8, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has failed to pass House Bill No. 429 to third reading by the following vote: Yeas, 9; nays, 16.

The Senate has passed

H. B. No. 133, A bill to be entitled "An Act amending Article 923-h, Title 13, Chapter 6, of the Penal Code of the State of Texas (providing for the sale by tanners and taxidermists of specimens in their possession unclaimed after the expiration of ninety days), and exempting said tanners and taxidermists from penalties for possession, sale, barter, and trade of hides, heads, and carcasses of animals during closed seasons."

H. B. No. 136, A bill to be entitled "An Act to amend Article 288, of the Penal Code of the State of Texas, 1925, as amended by Chapter 188, General Laws of the Fortieth Legislature, Regular Session, so as to make it lawful to teach modern languages in certain elementary grades, and in the high school grades, in public free schools, and making it lawful to teach the Spanish language in the elementary grades in the public free schools in counties bordering on the boundary line between the United States and the Republic of Mexico, having a city or cities of a population of 5,000 inhabitants, or more, according to the United States Census of 1920, and declaring an emergency."

H. B. No. 710, A bill to be entitled "An Act providing chattel mortgages, given as security for money advanced to purchase motor vehicles, when registered as required by law, will be superior to the claim of other creditors, though the motor vehicle may be exposed for sale, and declaring an emergency."

The Senate has adopted

H. C. R. No. 78, Instructing the Enrolling Clerk of the House to make certain corrections to House Joint Resolution No. 14 (With amendments).

S. C. R. No. 59, Recalling House Joint Resolution No. 14 from the House for further consideration.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 464 ON PAS- SAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 464, providing for the reorganization of the State Government, on its passage to engrossment; the bill having heretofore been read second time, with committee amendment by Mr. Graves, amendment by Mr. Kyle of Hays to the committee amendment, and substitute by Mr. Calvert for the amendment by Mr. Kyle of Hays, pending.

Mr. Kyle of Hays moved to table the amendment by Mr. Calvert.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—75

Alexander.	McClain.
Barrett.	McCullough.
Bourne.	McDougald.
Burns.	Merritt.
Butler.	Mitcham.
Camp.	Moffett.
Canon.	Moore.
Cathey.	Morrison.
Celaya.	Morse.
Clayton.	Nicholson.
Crossley.	Palmer.
Daniel.	Patterson.
Davidson.	Pavlica.
Dunlap.	Pope.
Dunagan.	Puryear.
Dwyer.	Ramsey.
Few.	Ratliff.
Fisher.	Ray.
Fuchs.	Renfro.
Glass.	Riddle.
Goodman.	Roberts.
Graves.	Rogers of Hunt.
Griffith.	Rogers
Head.	of Ochiltree.
Hodges.	Shults.
Hunt.	Smith.
Hyder.	Stanfield.
Jackson.	Steward.
James.	Stovall.
Jones of Runnels.	Sullivant.
Jones of Shelby.	Tennyson.
Kyle of Hays.	Thomas.
Laird.	Tillery.
Latham.	Townsend.
Leonard.	Vaughan.
Lindsey.	Wells.
Mackay.	Wood.
Magee.	Young.

Nays—40

Adamson.	Hill of Webb.
Aikin.	Holekamp.
Anderson	Hughes.
of Bexar.	Jefferson.
Anderson	Kayton.
of Johnson.	Kyle of Palo Pinto.
Barron.	Metcalfe.
Calvert.	Munson.
Chastain.	Parkhouse.
Coombes.	Reed of Dallas.
Cowley.	Rollins.
Dean.	Savage.
Devall.	Scarborough.
Fain.	Scott.
Ford.	Shannon.
Good.	Stinson.
Haag.	Tarwater.
Hartzog.	Turlington.
Hester.	Van Zandt.
Hicks.	Wagstaff.
Hill of Brazoria.	Walker.

Present—Not Voting

Winningham.

Absent

Baker.	Huddleston.
Beck.	Johnson
Bedford.	of Anderson.
Bradley.	Jones of Atascosa.
Caven.	Lemens.
Duvall.	Long.
Engelhard.	Mathis.
Golson.	McGregor.
Greathouse.	McKee.
Hankamer.	Reader.
Harman.	Reed of Bowie.
Harris.	Ross.
Harrison.	Russell.
Holland.	Weinert.
Hoskins.	

Absent—Excused

Alsup.	Johnson
Colson.	of Dimmit.
Holloway.	Lotief.

Mr. Calvert moved to table the amendment by Mr. Kyle of Hays. The motion to table prevailed.

Mr. Kyle of Hays offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 464 by striking out Section 8, of Article IX.

KYLE of Hays,
BUTLER.

Mr. Calvert moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—67

Adamson.	Golson.
Aikin.	Goodman.
Alexander.	Graves.
Anderson	Harris.
of Johnson.	Hester.
Barrett.	Hodges.
Barron.	Holekamp.
Beck.	Huddleston.
Bourne.	Hughes.
Calvert.	Hunt.
Camp.	Jefferson.
Canon.	Jones of Atascosa.
Caven.	Jones of Shelby.
Chastain.	Kayton.
Dean.	Kyle of Palo Pinto.
Devall.	Latham.
Fain.	Lemens.
Fisher.	McDougald.
Ford.	McKee.

Merritt.	Savage.
Metcalfe.	Scarborough.
Mitcham.	Scott.
Munson.	Shannon.
Nicholson.	Shults.
Parkhouse.	Smith.
Pavlica.	Stinson.
Ramsey.	Stovall.
Ratliff.	Sullivan.
Ray.	Van Zandt.
Reed of Bowie.	Vaughan.
Reed of Dallas.	Wagstaff.
Roberts.	Weinert.
Rogers of Hunt.	Wood.
Rollins.	Young.

Nays—48

Anderson	Mackay.
of Bexar.	Magee.
Baker.	McCullough.
Bradley.	Moore.
Burns.	Morrison.
Butler.	Morse.
Clayton.	Palmer.
Crossley.	Patterson.
Daniel.	Puryear.
Davidson.	Reader.
Dunlap.	Renfro.
Dunagan.	Rogers
Few.	of Ochiltree.
Glass.	Russell.
Greathouse.	Stanfield.
Griffith.	Steward.
Head.	Tarwater.
Hill of Brazoria.	Tennyson.
Hyder.	Thomas.
Jackson.	Tillery.
James.	Townsend.
Jones of Runnels.	Turlington.
Kyle of Hays.	Walker.
Laird.	Wells.
Lindsey.	Winningham.

Absent

Bedford.	Hicks.
Cathey.	Hill of Webb.
Celaya.	Holland.
Coombes.	Hoskins.
Cowley.	Johnson
Duvall.	of Anderson.
Dwyer.	Leonard.
Engelhard.	Long.
Fuchs.	Mathis.
Good.	McClain.
Haag.	McGregor.
Hankamer.	Moffett.
Harman.	Pope.
Larrison.	Riddle.
Hartzog.	Ross.

Absent—Excused

Alsup.	Johnson
Colson.	of Dimmit.
Holloway.	Lotief.

Mr. Clayton offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 464, Article IX, Section 13, by striking out all of Section 13, of Article IX, and insert the following:

"All functions heretofore vested in the State Board of Public Accountancy, under Title 2, of the Revised Civil Statutes of 1925, are hereby transferred to The University of Texas, and provision shall be made for the examining and licensing of public accountants as a function of the regular instruction staff in accounting and business administration under the direction of the head of that department of the University, and under such rules as may be established under the provisions of this Act."

The amendment was adopted.

Mr. Steward offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 464, page 19, line 63, by inserting after the word "designated," the following: "by the Board as."

The amendment was adopted.

Mr. Tarwater offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 464, page 46, in line 54, by striking out of line 54 everything after the word "be," and strike out lines 55, 56, and down to the word "immediately," in line 57, and insert in lieu thereof the following: "a person actively engaged in farming, of practical experience in farming, live stock, and or horticultural work, who has had at least ten years' actual experience in at least one of these branches of agricultural work."

TARWATER,
RAY.

The amendment was adopted.

Mr. Graves offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 464, page 40, line 6, by eliminating the first word herein, and substituting the word "headquarters."

The amendment was adopted.

Mr. Graves offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 464, page 40, by eliminating line 12 down to line 20, inclusive.

The amendment was adopted.

Mr. Tarwater offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 464, page 55, by striking out lines 6, 7, and 8.

The amendment was adopted.

The committee amendment as amended was then adopted.

Mr. Graves offered the following amendment to the bill:

Amend House Bill No. 464 by striking out all above the enacting clause, and inserting in lieu thereof the following:

"H. B. No. 464,

A BILL

To Be Entitled

An Act to reorganize and simplify the organization and operations of the Executive Department of the State Government to provide for better service and economy through the enactment of an Administrative Code, providing for nineteen administrative departments; redistributing the powers and duties of the existing offices, departments, boards, commissions, institutions, and other agencies among them; abolishing certain offices, departments, boards, commissions, institutions, and other agencies; creating certain others; continuing certain others; transferring certain others; defining the organization, powers, and duties of offices, departments, boards, commissions, and other agencies that are hereby created or retained and providing for their co-ordination; fixing terms of office, methods of appointment and election, duties, and qualifications of offices and positions, and providing the methods of fixing the compensation thereof; prescribing methods and procedure to be followed in budget-making, financial control, purchasing, personnel, taxation, treasury administration, and other matters; declaring the rule that the remainder of

the Act shall not be affected by the unconstitutionality or invalidity of any part thereof; prescribing penalties; repealing Chapter 293, of the General and Special Laws of the Fortieth Legislature, Chapter 185, of the General and Special Laws of the Forty-first Legislature, Chapters 47 and 255, of the General Laws of the Forty-second Legislature, Articles 75, 2605, 5891, and 7019, of the Revised Civil Statutes of 1925, so much of Article 3192 thereof as relates to the Dallas State Hospital, and so much of Article 3068 thereof as relates to the State Board of Canvassers, and all other laws and parts of laws in conflict with the provisions of this Act; and declaring an emergency."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 464 was then passed to engrossment.

HOUSE BILL NO. 464 ON THIRD READING

Mr. Graves moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 464 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102

Adamson.	Engelhard.
Aikin.	Fain.
Alexander.	Fisher.
Anderson	Ford.
of Bexar.	Fuchs.
Anderson	Glass.
of Johnson.	Golson.
Barron.	Goodman.
Beck.	Graves.
Bourne.	Greathouse.
Camp.	Griffith.
Canon.	Haag.
Cathey.	Harris.
Caven.	Hartzog.
Chastain.	Head.
Clayton.	Hester.
Coombes.	Hicks.
Crossley.	Hill of Brazoria.
Daniel.	Hodges.
Dean.	Holekamp.
Devall.	Hughes.
Dunagan.	Hunt.

Hyder.	Reed of Dallas.
James.	Renfro.
Jefferson.	Roberts.
Johnson	Rogers of Hunt.
of Anderson.	Rogers
Jones of Atascosa.	of Ochiltree.
Jones of Runnels.	Rollins.
Jones of Shelby.	Ross.
Kyle of Palo Pinto.	Russell.
Latham.	Savage.
Lemens.	Scarborough.
Lindsey.	Scott.
Long.	Shannon.
Magee.	Shults.
Mackay.	Smith.
McClain.	Steward.
McCullough.	Stinson.
McDougald.	Stovall.
Metcalfe.	Sullivant.
Moffett.	Tarwater.
Moore.	Tennyson.
Morrison.	Thomas.
Nicholson.	Turlington.
Parkhouse.	Van Zandt.
Patterson.	Vaughan.
Pavlica.	Wagstaff.
Ramsey.	Walker.
Ratliff.	Weinert.
Ray.	Wells.
Reader.	Wood.
Reed of Bowie.	Young.

Nays—15

Baker.	Laird.
Bradley.	Merritt.
Burns.	Morse.
Butler.	Puryear.
Cowley.	Stanfield.
Dunlap.	Tillery.
Huddleston.	Townsend.
Kyle of Hays.	

Present—Not Voting

Few.

Absent

Barrett.	Hoskins.
Bedford.	Jackson.
Calvert.	Kayton.
Celaya.	Leonard.
Davidson.	Mathis.
Duvall.	McGregor.
Dwyer.	McKee.
Good.	Mitcham.
Hankamer.	Munson.
Harman.	Palmer.
Harrison.	Pope.
Hill of Webb.	Riddle.
Holland.	Winningham.

Absent—Excused

Alsup.	Johnson
Colson.	of Dimmit.
Holloway.	Lotief.

The Speaker then laid House Bill No. 464 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—105

Adamson.	Kayton.
Aikin.	Latham.
Anderson	Lemens.
of Bexar.	Long.
Anderson	Mackay.
of Johnson.	Magee.
Barron.	McClain.
Beck.	McDougald.
Bourne.	McKee.
Calvert.	Metcalfe.
Camp.	Mitcham.
Canon.	Moffett.
Cathey.	Moore.
Caven.	Morrison.
Chastain.	Munson.
Clayton.	Nicholson.
Coombes.	Palmer.
Crossley.	Parkhouse.
Daniel.	Patterson.
Davidson.	Pavlica.
Dean.	Ramsey.
Devall.	Ratliff.
Dunagan.	Ray.
Fain.	Reader.
Few.	Reed of Bowie.
Fisher.	Reed of Dallas.
Ford.	Renfro.
Fuchs.	Riddle.
Glass.	Roberts.
Golson.	Rogers of Hunt.
Goodman.	Rollins.
Graves.	Ross.
Greathouse.	Russell.
Griffith.	Savage.
Haag.	Scarborough.
Hankamer.	Scott.
Harris.	Shannon.
Head.	Shults.
Hester.	Smith.
Hicks.	Stanfield.
Hill of Brazoria.	Stinson.
Hodges.	Stovall.
Holekamp.	Sullivant.
Hoskins.	Tarwater.
Hughes.	Tennyson.
Hunt.	Turlington.
Hyder.	Van Zandt.
James.	Vaughan.
Jefferson.	Wagstaff.
Johnson	Walker.
of Anderson.	Weinert.
Jones of Atascosa.	Wells.
Jones of Runnels.	Wood.
Jones of Shelby.	Young.

Nays—22

Baker.	Bradley.
Barrett.	Burns.

Butler.	Pope.
Cowley.	Purveyar.
Dunlap.	Rogers
Engelhard.	of Ochiltree.
Huddleston.	Steward.
Kyle of Hays.	Thomas.
Kyle of Palo Pinto.	Tillery.
Laird.	Townsend.
Merritt.	Winningham.
Morse.	

Present—Not Voting

Alexander.

Absent

Bedford.	Hill of Webb.
Celaya.	Holland.
Duvall.	Jackson.
Dwyer.	Leonard.
Good.	Lindsey.
Harman.	Mathis.
Harrison.	McCullough.
Hartzog.	McGregor.

Absent—Excused

Alsup.	Johnson
Colson.	of Dimmit.
Holloway.	Lotief.

PAIRED

Mr. Alexander (present), who would vote "nay," with Mr. Hartzog (absent) who would vote "yea."

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

H. J. R. No. 14, Proposing an amendment to Article V, of the Constitution of the State of Texas, by adding a new Section thereto, with four lettered subdivisions, providing for the abolishment of the fee method of compensating county and precinct officers, and providing that all such officers be paid on a salaries basis; and providing for the payment of all fees into the county treasury; and conferring upon commissioners court general management and control of county affairs; and providing for the appointment of certain officers by the commissioners court, and the combining of any such offices; etc.; repealing all provisions of the Constitution in conflict therewith; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

SPECIAL ORDER SET

Mr. Young moved that House Bill No. 329 be set as a special order for 10 o'clock a. m., Tuesday, May 9. The motion prevailed.

NOTICES GIVEN

Mr. McDougald gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 555, which bill had heretofore been laid on the table subject to call.

Mr. Russell gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 234, which bill had heretofore been laid on the table subject to call.

HOUSE BILL NO. 279 ON SECOND READING

Mr. James moved that the regular order of business be suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 279, A bill to be entitled "An Act amending Sections 3, 4, 6, 8, creating new Sections, to be known as Sections 8-a, 14, 15, 16, 17, 19, 20, and 23, of Chapter 107, Acts of the Regular Session of the Forty-first Legislature, relating to the creation of the Board of Pharmacy and regulating pharmacies, drug stores, and the sale of drugs; and declaring an emergency."

Mr. Daniel raised a point of order on further consideration of the motion by Mr. James, on the ground that the House has, on a former occasion, refused to take up the bill, on the motion of Mr. James.

The Speaker overruled the point of order.

Question then recurring on the motion by Mr. James, it prevailed.

The Speaker then laid the bill before the House, and it was read second time.

Mr. Griffith offered the following committee amendment to the bill:

Amend House Bill No. 279 by striking out all below the enacting clause, and substituting in lieu thereof the following:

"Section 1. Sections 2, 3, 4, 6, and 8, of Chapter 107, Acts of the Regu-

lar Session of the Forty-first Legislature, are hereby amended so as to hereafter read, respectively, as follows:

“Section 2. In making the first appointment, the Governor shall appoint two members of said Board for two years, two for four years, and two for six years, and thereafter the term of each member shall be six years so that the terms of two members shall expire every two years. Vacancies on the Board shall be filled by the Governor for the unexpired term only. Provided, that the Governor shall have power to remove from office any member of said Board for neglect of any duty or for any cause or causes which would be sufficient grounds for revoking the registration of any registered pharmacist, as provided in Section 12, of Chapter 107, of the Acts of the Regular Session of the Forty-first Legislature.

“Section 3. Each member of the Board shall be paid five dollars (\$5) per day for each day of attendance on meetings of the Board, not to exceed twelve days for each regular session, and not to exceed five days for a special session, and time in going to, and returning from, meetings shall be included in computing said time, and in addition to said per diem, each member shall receive expenses incurred while actually engaged in performance of the duties of the Board, and shall file with the Secretary of the Board certified receipts for all expenses incurred. Appointees and the Secretary of the Board shall, within thirty (30) days after their appointment, take, subscribe, and file with the Secretary of State the constitutional oath of office.

“Section 4. Said Board, within thirty (30) days after appointment, shall meet and organize by electing a president, vice-president, and treasurer from its membership, and a secretary, who may or may not be a member of the Board. The salary of the secretary shall be fixed by the Board not to exceed two hundred dollars (\$200) per month. The Secretary and treasurer shall each be required to execute a bond in the sum of ten thousand dollars (\$10,000), conditioned upon the faithful performance of his duties, said bonds to be made payable to the State of Texas. The Board shall have power

to make by-laws and rules and regulations for its own government not inconsistent with the law governing it in the performance of its duties, and the duties of its officers and employes, and shall have power to employ all necessary employes for the purpose of carrying out the provisions of this Act. The secretary shall maintain his office in Austin, Texas.

“Section 6. The State Board of Pharmacy shall hold regular meetings twice each year for the examination of applicants for registration, and for the transaction of such other business as may come before it and which it may lawfully do, and shall hold such additional special meetings as may be necessary not to exceed two special meetings in any calendar year. The dates of all meetings may be set by the Board, and the place of the two regular meetings shall be in Austin, Texas. Any additional special meeting or meetings may be held in any such place or places as may be designated by the president of the board. The members and officers, including the secretary of the Board, shall be empowered to administer any and all oaths necessary to be administered in connection with the duties of the Board. The Board shall make annually, to the Governor of the State, a written report of its proceedings and an itemized account of its receipts and disbursements under this Act; also names of any and all pharmacists duly registered under this Act during the fiscal year for which said report is made, and the names of all pharmacists whose licenses or permits have been cancelled with memoranda of the grounds upon which such licenses or permits were cancelled during the fiscal year.

“Section 8. It shall be unlawful for any person, who is not a pharmacist duly registered under the laws of this State, to compound, mix, manufacture, sell, or distribute at wholesale or retail any drugs, medicines, or chemicals within this State, except as herein provided.’

“Sec. 2. Chapter 107, Acts of the Regular Session of the Forty-first Legislature, is hereby amended by adding, after Section 8, of said Act, Section 8-a, to read as follows:

“Section 8-a. Nothing contained in this Act, however, shall be con-

strued to prevent the compounding or mixing of drugs or medicines kept or carried by any licensed physician, dentist, veterinarian, or chiropodist in order to supply the needs of his patient, nor prevent the sale by any person, firm, association, or corporation, in original packages only, of harmless non-poisonous, non-narcotic patent medicines, nor common household remedies and preparations, ammonia, lye, or compounds thereof, nor insecticides, fungicides, and harmless chemicals used in the arts or mechanical use when properly labeled, nor to prevent physicians, dentists, veterinarians, and chiropodists from compounding, manufacturing, or selling any medicines prepared according to their own formulas.

"All persons now registered in this State as pharmacists shall have all the rights granted to them by law as registered pharmacists under this Act."

"Sec. 3. Sections 14, 15, 16, 17, and 20, of Chapter 107, Acts of the Regular Session of the Forty-first Legislature are hereby amended so as to hereafter read, respectively, as follows:

"Section 14. Every registered pharmacist who desires to continue the practice of pharmacy in this State shall annually, on or before the second day of January of each year, pay to the secretary of the Board a fee of one dollar (\$1). If any such registered pharmacist fails or neglects to procure his renewal of registration before March 1 of any year his name shall be erased from the register of licensed pharmacists, and, in order to regain registration, he shall be required to pay one annual renewal registration fee in advance, in addition to any and all other fees at that time due by him to be paid, and in the payment of which he may be in arrears. All moneys formerly collected by the Board under the provision of this Act, and now held by said Board, and all annual registration fees hereafter collected by said Board, and any and all current revenues derived, and which may be derived in the future, by said Board from any source whatever, and collected by said Board, shall be placed in the State Treasury to the credit of a special fund to be known as the Board of Pharmacy Fund; and the Legislature shall have power to make, and shall

make, appropriations out of said Fund to the use of, and to be used by, the Board, and under its direction, such sum or sums as may be necessary for the use of said Board in the enforcement of the laws of this State as provided in this Act, and any and all other laws of this State governing the practice of pharmacy, or the sale of drugs, medicines, or chemicals, and all of said funds are hereby appropriated for said purposes.

"Section 15. In each, any and all stores or places in which a registered pharmacist is employed at all times and hours during which said store or place shall be open for business and where the provisions of this Act have been fully complied with, there shall be displayed in a prominent place in or on the front of said store or place the word "Pharmacy," "Drug," or "Drug Store."

"Section 16. It shall be unlawful for any person to display in any store or place of business the word "Pharmacy," "Drug," "Drug Store," or either of them, either in English or any foreign language unless there be at any and all times and hours while said word or words or either of them are so displayed a registered pharmacist employed and actually engaged in the practice of pharmacy in said store or place of business, while same is open for business.

"Section 17. Every person, firm, or corporation desiring to continue operating a retail pharmacy or drug store, as same is defined under the law of this State, and every manufacturer of drugs, medicines, or chemicals, as defined under the law of this State, after the passage of this Act, shall procure from the Board of Pharmacy a permit for each such pharmacy, store, or factory to be operated by making, within six months, application to the Board upon a form to be furnished by the Board, setting forth in said application, under oath, the ownership and location of said pharmacy, store, or factory, and the name with the certificate number of the registered pharmacist registered in this State, or a physician, dentist, veterinarian, or chiropodist, licensed in this State, who is to be continually employed by the said pharmacy, store, or factory; this permit shall be issued annually by the Board upon receipt of appli-

cation a fee of one dollar (\$1). This permit shall be displayed conspicuously at all times in the store or factory for which it was originally issued. Every person, firm, or corporation desiring to open a new pharmacy, drug store, or factory shall procure the permit aforementioned before commencing business. Not more than one pharmacy, store, or factory may be operated under one permit. In case of a change in the personnel of a registered pharmacist in any pharmacy, store, or factory, the Board shall be notified of such change within ten days.

"Section 19. A 'pharmacy,' or 'drug store,' as the term is used in this Act, is any store or place where drugs, medicines, or chemicals are sold or furnished at retail or wholesale and wherein a registered pharmacist is actively employed at all times and hours while said store or place is open for business.

"Section 20. A 'pharmacist,' as the term is used in this Act, means a person licensed by the State Board of Pharmacy to prepare, compound, and dispense physicians' prescriptions, drugs, and medicines of therapeutic value. The term 'Board,' as used in this Act, means the State Board of Pharmacy.'

"Sec. 4. The fact that a portion of the pharmacy law of this State has been held to be unconstitutional and that it has been found that the law is inadequate to meet present conditions, and in order that the health of the people be better protected, creates and constitutes an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read in each House on three several days, be suspended, and this Act take effect and be in full force from and after its passage, and it is so enacted."

Mr. Reader offered the following amendment to the committee amendment:

Amend committee amendment No. 1, House Bill No. 279, by striking out Section 8, Section 8-a, Section 15, Section 16, Section 17, Section 19, and Section 20.

GRIFFITH,
READER,
JAMES.

The amendment was adopted.

Mr. Griffith offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 279 by changing, in line 40, page 1, after the word "paid," and in line 1, page 2, before the words "per day," to read as follows: "ten dollars (\$10.)"

The amendment was lost.

Mr. Metcalfe offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 279, page 2, lines 26 and 27, by striking out of said lines the words: "the secretary shall maintain his office in Austin, Texas."

The amendment was adopted.

Mr. Puryear offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 279, page 2, line 17, by striking out the words and figures "two hundred dollars (\$200)," and insert in lieu thereof "one hundred and twenty-five dollars (\$125)."

PURYEAR,
REED of Bowie.

The amendment was adopted.

Mr. Camp moved the previous question on the pending amendment and the bill, and the motion was not seconded.

Mr. Anderson of Bexar moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—59

Anderson	Harman.
of Bexar.	Harris.
Baker.	Head.
Barron.	Holekamp.
Beck.	Hughes.
Butler.	Hyder.
Cathey.	Jackson.
Celaya.	Johnson
Clayton.	of Anderson.
Cowley.	Kyle of Palo Pinto.
Crossley.	Long.
Devall.	Mackay.
Dwyer.	Magee.
Engelhard.	McCullough.
Fisher.	McDougald.
Ford.	McKee.
Golson.	Moore.
Haag.	Morrison.

Morse.
Munson.
Nicholson.
Parkhouse.
Patterson.
Paylica.
Ray.
Reed of Bowie.
Renfro.
Riddle.
Ross.
Russell.
Shannon.

Smith.
Steward.
Stinson.
Sullivant.
Tillery.
Turlington.
Vaughan.
Wagstaff.
Weinert.
Winningham.
Wood.
Young.

Nays—62

Adamson.	Hunt.
Aikin.	James.
Alexander.	Jefferson.
Anderson	Jones of Atascosa.
of Johnson.	Jones of Runnels.
Barrett.	Kayton.
Bourne.	Laird.
Bradley.	Latham.
Burns.	Lemens.
Calvert.	Leonard.
Camp.	Lindsey.
Canon.	Merritt.
Caven.	Metcalfe.
Chastain.	Mitcham.
Coombes.	Moffett.
Daniel.	Palmer.
Davidson.	Pope.
Dean.	Puryear.
Dunagan.	Reader.
Fain.	Reed of Dallas.
Few.	Roberts.
Fuchs.	Rogers of Hunt.
Glass.	Rogers
Good.	of Ochiltree.
Goodman.	Savage.
Graves.	Scarborough.
Greathouse.	Shults.
Griffith.	Stanfield.
Hicks.	Stovall.
Hodges.	Tarwater.
Hoskins.	Tennyson.
Huddleston.	Thomas.

Absent

Bedford.	Mathis.
Dunlap.	McClain.
Duvall.	McGregor.
Hankamer.	Ramsey.
Harrison.	Ratliff.
Hartzog.	Rollins.
Hester.	Scott.
Hill of Brazoria.	Townsend.
Hill of Webb.	Van Zandt.
Holland.	Walker.
Jones of Shelby.	Wells.
Kyle of Hays.	

Absent—Excused

Alsup.	Johnson
Colson.	of Dimmit.
Holloway.	Lotief.

Question then recurring on the committee amendment as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 279 was then passed to engrossment by the following vote:

Yeas—65

Adamson.	Laird.
Alexander.	Latham.
Anderson	Lemens.
of Johnson.	Leonard.
Bradley.	Lindsey.
Calvert.	Long.
Camp.	Mackay.
Cathey.	Magee.
Celaya.	McCullough.
Chastain.	McDougald.
Clayton.	McKee.
Coombes.	Metcalfe.
Dunlap.	Moffett.
Dwyer.	Moore.
Few.	Morse.
Ford.	Munson.
Golson.	Nicholson.
Goodman.	Paylica.
Graves.	Ray.
Greathouse.	Reader.
Griffith.	Rogers of Hunt.
Haag.	Rollins.
Hankamer.	Ross.
Harris.	Shults.
Hill of Brazoria.	Smith.
Hodges.	Stovall.
Holekamp.	Sullivant.
Hoskins.	Tennyson.
James.	Turlington.
Jefferson.	Wagstaff.
Jones of Atascosa.	Weinert.
Kayton.	Wood.
Kyle of Palo Pinto.	Young.

Nays—54

Aikin.	Fisher.
Anderson	Fuchs.
of Bexar.	Glass.
Baker.	Good.
Barrett.	Harman.
Barron.	Head.
Beck.	Hicks.
Bourne.	Huddleston.
Burns.	Hughes.
Canon.	Hunt.
Caven.	Hyder.
Cowley.	Johnson
Daniel.	of Anderson.
Davidson.	Jones of Runnels.
Dean.	Merritt.
Devall.	Mitcham.
Dunagan.	Morrison.
Fain.	Palmer.

Parkhouse.	Scott.
Pope.	Shannon.
Puryear.	Stanfield.
Reed of Bowie.	Steward.
Reed of Dallas.	Stinson.
Renfro.	Tarwater.
Roberts.	Thomas.
Rogers	Tillery.
of Ochiltree.	Vaughan.
Russell.	Winningham.
Scarborough.	

Absent

Bedford.	Mathis.
Butler.	McClain.
Crossley.	McGregor.
Duvall.	Patterson.
Engelhard.	Ramsey.
Harrison.	Ratliff.
Hartzog.	Riddle.
Hester.	Savage.
Hill of Webb.	Townsend.
Holland.	Van Zandt.
Jackson.	Walker.
Jones of Shelby.	Wells.
Kyle of Hays.	

Absent—Excused

Alsop.	Johnson
Colson.	of Dimmit.
Holloway.	Lotief.

REASON FOR VOTE

My reason for voting against House Bill No. 279 is, being one of the signers of this bill, and not understanding what it contained, and after hearing the discussion on the floor, I came to the conclusion that it would work a hardship on the people of rural districts, and also be unjust to the retail merchants of our State.

THOMAS.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 8, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House amendments to Senate Bill No. 209, and requests the appointment of a conference committee. The following have been appointed on the part of the Senate: Senators DeBerry, Purl, Neal, Woodul, and Moore.

Respectfully,

BOB BARKER,
Secretary of the Senate.

NOTICES GIVEN

Notices were given that motions would be made, to take up, on the next legislative day, all bills which have heretofore been laid on the table subject to call.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL
NO. 399

Mr. Tillery submitted the following conference committee report on House Bill No. 399:

Committee Room,
Austin, Texas, April 24, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, to whom was referred

H. B. No. 399, A bill to be entitled "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Nacogdoches and Angelina Counties during the months of December and January; making it unlawful to take such pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency,"

Have had the same under consideration, and we recommend to the Senate and to the House of Representatives, that the foregoing bill pass in the form attached hereto:

"H. B. No. 399,

A BILL

To Be Entitled

An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Nacogdoches and Angelina Counties during the months of December and January; making it unlawful to take such pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful to

take the pelt of any fur-bearing animal in Nacogdoches and Angelina Counties, except during the months of December or January, of any year. During the months of December or January, of any year, it shall be lawful to take such animals by a trap or any other device, upon one's own property, or upon property upon which a written permit has been given by the owner for trapping purposes, but at any other time it shall be unlawful to use a trap or any other mechanical device for taking any fur-bearing animal in Nacogdoches and Angelina Counties. The pelts of any fur-bearing animals taken by the authority granted in this Act may be sold or offered for sale in conformity to the laws of this State.

Sec. 2. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than ten dollars (\$10) nor more than two hundred dollars (\$200).

Sec. 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Sec. 4. The fact that the present law applying to Nacogdoches and Angelina Counties does not permit the trapping of fur-bearing animals at any time and results in curtailing the opportunities of the people of said Counties to profit from this great natural resource creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three separate days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

REDDITT,
STONE,
COUSINS,
PATTON,
PACE,

On the part of the Senate;

LAIRD,
TILLERY,
DWYER,
HUDDLESTON,
GLASS,

On the part of the House.

On motion of Mr. Tillery, the report was adopted by the following vote:

Yeas—111

Adamson.	Jones of Runnels.
Aikin.	Kayton.
Alexander.	Kyle of Palo Pinto.
Anderson	Laird.
of Bexar.	Latham.
Anderson	Lemens.
of Johnson.	Leonard.
Baker.	Lindsey.
Barrett.	Long.
Barron.	Mackay.
Beck.	Magee.
Bourne.	McCullough.
Burns.	McDougald.
Butler.	McKee.
Calvert.	Merritt.
Camp.	Metcalfe.
Canon.	Mitcham.
Cathey.	Moffett.
Celaya.	Moore.
Chastain.	Morrison.
Clayton.	Munson.
Coombes.	Parkhouse.
Cowley.	Patterson.
Daniel.	Pavlica.
Dean.	Pope.
Devall.	Puryear.
Dunlap.	Ray.
Dunagan.	Reader.
Dwyer.	Reed of Bowie.
Fain.	Reed of Dallas.
Few.	Renfro.
Fisher.	Roberts.
Fuchs.	Rogers of Hunt.
Glass.	Rogers
Golson.	of Ochiltree.
Good.	Rollins.
Graves.	Ross.
Greathouse.	Russell.
Haag.	Savage.
Hankamer.	Scarborough.
Harman.	Scott.
Harris.	Shults.
Head.	Smith.
Hicks.	Stanfield.
Hill of Brazoria.	Steward.
Hodges.	Stinson.
Holekamp.	Sullivant.
Hoskins.	Tarwater.
Huddleston.	Thomas.
Hughes.	Tillery.
Hunt.	Turlington.
Hyder.	Vaughan.
Jackson.	Wagstaff.
James.	Weinert.
Jefferson.	Winningham.
Johnson	Wood.
of Anderson.	Young.
Jones of Atascosa.	

Absent

Bedford.	Caven.
Bradley.	Crossley.

Davidson.	McGregor.
Duvall.	Morse.
Engelhard.	Nicholson.
Ford.	Palmer.
Goodman.	Ramsey.
Griffith.	Ratliff.
Harrison.	Riddle.
Hartzog.	Shannon.
Hester.	Stovall.
Hill of Webb.	Tennyson.
Holland.	Townsend.
Jones of Shelby.	Van Zandt.
Kyle of Hays.	Walker.
Mathis.	Wells.
McClain.	

Absent—Excused

Alsup.	Johnson
Colson.	of Dimmit.
Holloway.	Lotief.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 329, to the Committee on Claims and Accounts.

HOUSE BILL NO. 22 WITH SENATE AMENDMENTS

Mr. Morse called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 22, A bill to be entitled "An Act to amend Article 5238, of Title 84, Revised Civil Statutes of the State of Texas, 1925, relating to landlords' liens, and extending the lien to include all property of any subtenant of the tenant in such residence, storehouse, or other building, and all property stored with or by such tenant or subtenant in such residence, storehouse, or other building with the owner's permission."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Morse, the House concurred in the Senate amendments by the following vote:

Yeas—108

Adamson.	Baker.
Aikin.	Barrett.
Alexander.	Barron.
Anderson	Bourne.
of Bexar.	Burns.
Anderson	Butler.
of Johnson.	Calvert.

Camp.	McCullough.
Canon.	McDougald.
Cathey.	McKee.
Caven.	Merritt.
Celaya.	Metcalf.
Chastain.	Mitcham.
Clayton.	Moffett.
Coombes.	Morrison.
Cowley.	Morse.
Daniel.	Munson.
Dean.	Nicholson.
Devall.	Palmer.
Dunagan.	Parkhouse.
Dwyer.	Patterson.
Fain.	Pavlica.
Few.	Pope.
Fisher.	Puryear.
Ford.	Ray.
Fuchs.	Reed of Bowie.
Glass.	Reed of Dallas.
Golson.	Renfro.
Griffith.	Roberts.
Haag.	Rogers of Hunt.
Hankamer.	Rogers
Harris.	of Ochiltree.
Head.	Rollins.
Hill of Webb.	Ross.
Holekamp.	Russell.
Hoskins.	Savage.
Huddleston.	Scarborough.
Hughes.	Scott.
Hyder.	Shannon.
Jackson.	Shults.
James.	Smith.
Jefferson.	Stanfield.
Johnson	Steward.
of Anderson.	Stinson.
Jones of Atascosa.	Stovall.
Jones of Runnels.	Sullivant.
Kayton.	Tennyson.
Kyle of Palo Pinto.	Thomas.
Laird.	Tillery.
Latham.	Turlington.
Lemens.	Vaughan.
Leonard.	Wagstaff.
Lindsey.	Weinert.
Long.	Winningham.
Mackay.	Wood.
Magee.	Young.

Nays—1

Greathouse.

Absent

Beck.	Hartzog.
Bedford.	Hester.
Bradley.	Hicks.
Crossley.	Hill of Brazoria.
Davidson.	Hodges.
Dunlap.	Holland.
Duvall.	Hunt.
Engelhard.	Jones of Shelby.
Good.	Kyle of Hays.
Goodman.	Mathis.
Graves.	McClain.
Harman.	McGregor.
Harrison.	Moore.

Ramsey.
Ratliff.
Reader.
Riddle.
Tarwater.

Townsend.
Van Zandt.
Walker.
Wells.

Absent—Excused

Alsup.
Colson.
Holloway.

Johnson
of Dimmit.
Lotief.

ADJOURNMENT

Mr. Hyder moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

The motion prevailed.

The House, accordingly, at 5:25 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Municipal and Private Corporations: Senate Bill No. 148.

Banks and Banking: Senate Bill No. 4.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, May 4, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 256, A bill to be entitled "An Act appropriating three million dollars (\$3,000,000) per year, or so much thereof as may be necessary, for the next two (2) fiscal years, for the purpose of promoting the public school interests of rural schools and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, attaching conditions, regulations, and limitation relative thereto, authorizing aid to such schools in accordance with the conditions herein specified; providing for the maintenance of all rural schools which meet the requirements of this Act a term of a certain length; providing assistance for rural schools that will afford instruction and demonstration in home and farm vocations; providing for the use of an amount not to exceed a certain sum for the payment each year of the

biennium of high school tuition of rural school pupils according to the provisions of Chapter 181, of the General Laws of the Fortieth Legislature, Regular Session, as amended by Senate Bill No. 10, passed at the First Called Session of the Forty-first Legislature, and further amended by Senate Bill No. 41, Chapter 20, passed at the First Called Session of the Forty-second Legislature; providing for the payment of transportation aid under certain conditions; providing for penalties for violation of any of the provisions of this Act; providing for the administration of the funds appropriated herein by the State Board of Education and the State Superintendent of Public Instruction; providing for the manner of payment and disbursement of all moneys granted under the provisions of this Act; enacting other provisions necessary and incidental to the provisions of this Act; declaring the rule in event any provision of this Act is unconstitutional or invalid; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, May 8, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 807, "An Act to provide for conventions to pass on amendments to the Constitution of the United States which may be now or may be hereafter proposed by the Congress of the United States for ratification by conventions in the several States; setting the time of said elections; prescribing the method of nominating delegates and alternates; prescribing the manner and method in which delegates and alternates shall be elected to attend such convention; providing the form of the ballot to be used at such election; prescribing certain duties of the public officials of this State with reference to the conduct of such election; and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, May 8, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 133, "An Act amending
Article 923-h, Title 13, Chapter 6, of
the Penal Code of the State of Texas,
providing for the sale by tanners
and taxidermists of specimens in
their possession unclaimed after the
expiration of ninety (90) days, and
exempting said tanners and taxider-
mists from penalties for possession,
sale, barter, and trade of hides, heads,
and carcasses of animals during
closed seasons,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 8, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. J. R. No. 14, Proposing an
amendment to Article IX, of the Con-
stitution of the State of Texas, by
adding a new Section, to be numbered
Section 2-a, said Section to have five
(5) lettered subdivisions, and confer-
ring upon commissioners court gen-
eral management and control of
county affairs, providing for combin-
ing of certain offices, and providing
for the fixing of compensation of all
county and precinct officers, and de-
termining the number of deputies,
assistants, and clerical help of all
county and precinct officers; and pro-
viding for certain officers and em-
ployes performing additional duties
for cities, towns, and districts within
their county when required, and au-
thorizing contracts between commis-
sioners court and cities, towns, and
districts for the performance of such
additional duties, and providing for
the payment therefor; and providing
for approval of such contracts by the
Attorney General of the State; and
providing that the Legislature may,
by general law, provide for complete
forms of county government and or-
ganizations different from that pro-
vided for in this Constitution; and
requiring an election in such county
with reference thereto; and giving to
the commissioners court certain pow-

ers with limitations thereon, and pro-
viding that no provision of this Con-
stitution in conflict herewith, shall
hereafter be held to control, except
with reference to counties operating
under home rule charters; and pro-
viding for an election upon such pro-
posed constitutional amendment, and
making an appropriation therefor,

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 8, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 136, "An Act to amend
Article 268, of the Penal Code, of the
State of Texas, 1925, as amended by
Chapter 188, General Laws of the
Fortieth Legislature, Regular Session,
so as to make it lawful to teach mod-
ern languages in certain elementary
grades, and in the high school grades,
in public free schools, and making it
lawful to teach the Spanish language
in the elementary grades in the pub-
lic free schools in counties bordering on
the boundary line between the United
States and the Republic of Mexico,
having a city or cities of a popula-
tion of five thousand (5,000) inhab-
itants, or more, according to the
United States Census of 1920; and de-
claring an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 8, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 710, "An Act providing
chattel mortgages given as security
for money advanced to purchase
motor vehicles when registered as re-
quired by law will be superior to the
claim of other creditors, though the
motor vehicle may be exposed for
sale; providing such chattel mortgage
shall be void under certain conditions,
and declaring an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

In Memory of Hon. O. B. Black

Mr. Reader offered the following resolution:

Whereas, On Saturday, May 6, 1933, the Hon. O. B. Black, a former distinguished Member of this House from Bexar County, who served in the Thirty-sixth and Thirty-seventh Legislatures, was called to his eternal rest; and

Whereas, During his lifetime he served not only in our State Legislature, but as Mayor of the City of San Antonio, and as County Attorney and Assistant District Attorney of Bexar County; and

Whereas, He served with distinction as Lieutenant-Colonel in the United States Army during the World War; and

Whereas, His activity in governmental affairs and his unselfish service to his Country, State, city, and county will long be remembered by his fellow Members; therefore, be it

Resolved by the House of Representatives of the State of Texas, That in the death of the Hon. O. B. Black the State has lost a useful and prominent citizen; and be it further

Resolved, That a copy of this resolution be printed on a page of the Journal of the House of Representatives in honor of the memory of Hon. O. B. Black, and that one copy be sent to each member of his family, and that when the House adjourns today, that it do so in respect to the Hon. O. B. Black.

READER,
KAYTON,
DWYER,
ANDERSON of Bexar,
JEFFERSON.

The resolution was read second time.

On motion of Mr. Moore, the names of all the Members of the House were added to the resolution as signers thereof:

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Celaya, Chastain, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Engelhard, Fain, Few, Fisher, Ford Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holekamp, Holland, Holloway, Hoskins, Hughes, Hunt, Hyder, Jackson, James, Johnson of Anderson, Johnson of Dimmit, Jones of Atascosa, Jones of Runnels, Jones of Shelby, Kyle of Hays, Kyle of Palo Pinto, Laird, Latham, Lemens, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Merritt, Metcalfe, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roberts, Rogers of Hunt, Rogers of Ochiltree, Rollins, Ross, Russell, Savage, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Sullivant, Tarwater, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Walker, Weinert, Wells, Winningham, Wood, Young.

The resolution was then adopted unanimously.